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UNIVERSITY OF ALBERTA

THE SCOPE AND NATURE OF WHIG REFORM: CLAUSE 147 OF THE  
IRISH CHURCH (TEMPORALITIES) BILL, 1833.

BY



TIMOTHY JAMES WILD

A thesis submitted to the Faculty of Graduate Studies and  
Research in partial fulfillment of the requirements for  
the degree of Master of Arts.

DEPARTMENT OF HISTORY

Edmonton, Alberta

Fall 1992



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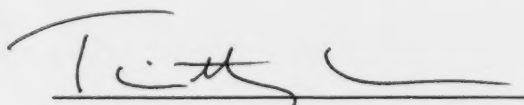
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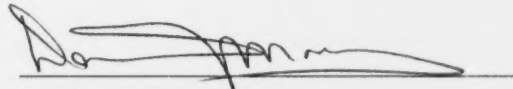
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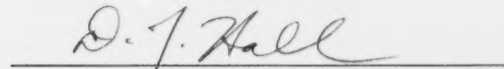
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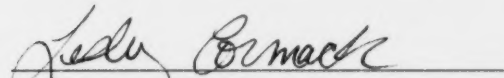
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For my parents, with love.

#### ABSTRACT

Throughout the development of the Irish Church (Temporalities) Bill of 1833, Earl Grey's Whig Government maintained that Clause 147, a clause dealing with the purchase of leases on episcopal lands, did not sanction the appropriation of Irish Church revenues. However, once in Parliament a different interpretation was given the clause by both wings of the opposition. The opposition of radicals and Tories in the Lower House was of little concern to the Whigs, but that of the Lords was another matter. The Tory majority in the upper House was capable of defeating the measure. Recognising the tremendous benefits associated with the bill and the insignificance of Clause 147, the Whigs decided to withdraw the "offending" clause thereby ensuring passage of a significant measure of Irish ecclesiastical reform. The decision to withdraw the clause serves as an indication of both the scope and nature of Whig reform, and of the political acumen of Grey's Administration.

I would like to acknowledge the assistance of Dr. D.J. "The Old Mosser" Moss. His direction, patience and good humour during the writing of this thesis was invaluable. Mention should also be given to Prof. U.F.J. Eyck, Professor Emeritus of History at The University of Calgary, who initially aroused my interest in Church-State relations. Furthermore, I must mention Julian "Stinky" Davies, Tony Hollihan and Bob Irwin, and thank them for their friendship, constructive criticism and support.

Finally, I would like to thank my family, especially my parents.

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THE SCOPE AND NATURE OF WHIG REFORM: CLAUSE  
147 OF THE IRISH CHURCH (TEMPORALITIES) BILL,  
1833.

INTRODUCTION

The Irish Church (Temporalities) Act of 1833 grew out of a genuine desire, on the part of the Whigs, to reform the institutions of the United Kingdom in order to ensure their survival in dynamic times. The Whigs repeatedly stated that the measure was framed for the "strength, stability and permanence" of the Church of Ireland, and, judged in reference to these goals, the bill was a success.<sup>1</sup> The fact that the Whigs were able to pilot such a substantial measure of ecclesiastical reform through the first session of the First Reformed Parliament attests to the political acumen of Earl Grey's Administration (1830-34).

However, historians have not been kind in their assessment of Whig reform of the Irish Church, and have given much of the credit deserved by Grey's Government

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<sup>1</sup>See D. H. Akenson, The Church of Ireland. Ecclesiastical Reform and Revolution. 1800-1885, (New Haven, Conn.: Yale University Press, 1971), pp. 172-9 for a discussion of the "new" efficiency of the Church.

to others.<sup>2</sup> Moreover, a case can be made that historians have failed to recognise the logic behind the Whig "ideology" of reform in the control, direction and content of Irish ecclesiastical legislation.<sup>3</sup> As a result, there is a failure to understand the reasoning behind the Ministers' decision to drop Clause 147 - the "appropriations clause".<sup>4</sup>

Whig Church reform should be viewed as being part of a programme of institutional reform in toto. While the tithe agitation of the 1820s and 1830s may have drawn the attention of Parliament to the condition of the Irish Church,<sup>5</sup> the reforms made to the institution

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<sup>2</sup>See, for example, R.P.H. Mermagen's "The Established Church in England and Ireland: Principles of Church Reform" in The Journal of British Studies, (Vol. III, no. 2, May 1964, pp. 143-7) p. 147 which gives considerable praise to Peel and Blomfield at the expense of the role played by the Whigs.

One can also refer to: G.F.A. Best, Temporal Pillars: Queen Anne's Bounty, the Ecclesiastical Commissioners and the Church of England, (Cambridge: Cambridge University Press, 1964), p. 7; Olive J. Brose, Church and Parliament. The Reshaping of the Church of England, 1828-1860, (Stanford, Calif.: Stanford University Press, 1959), pp. 43-6; E. Brynn, The Church of Ireland in the Age of Catholic Emancipation, (New York, N.Y.: Garland Publishing Inc., 1982), p. 278; and G. Kitson Clark, Peel and the Conservative Party. A Study in Party Politics, 1832-1841, (London, U.K.: Frank Cass and Co. Ltd., 1964), pp. 114-20.

<sup>3</sup>For examples, see Brose, ibid, pp. 43-4. Brynn, ibid, p. 255 and M.D. Condon, "The Irish Church and the Reform Ministries" in The Journal of British Studies (Vol. III, no. 2, May 1964, pp. 120-42), p. 142. One might even place Akenson, op cit, p. 179, within this category.

<sup>4</sup>Brose, ibid, p. 49; Halevy, A History of the English People in the Nineteenth Century-III: The Triumph of Reform, 1830-41 (London, U.K.: Ernest Benn Ltd., 1950 [2nd revised edition]), p. 144; and Mermagen, op cit, p. 147

<sup>5</sup>M. D. Condon, op cit, pp. 122 ff. Mermagen, ibid, pp. 143-4, takes exception to Condon's article, arguing that, unlike Condon's view that the Church Bill was the result of the anti-tithe agitation in Ireland, it was the result of a logical extension of



should be viewed within the context of the Whig reforming dynamic, and of the "post-Reform crisis of adjustment between what had been done and what men thought should be the consequences of what had been done."<sup>6</sup> When analysed within this setting, the withdrawal of the "appropriations clause" may be seen as a logical and necessary step. By withdrawing the clause the Whigs ensured Parliamentary passage of a considerable, and much needed measure of reform.

Having said that, it would seem to prompt the question - "What was the definition of Whig reform in 1833?" The Whigs were certainly reformers, but reformers within certain, very definite limits. They reformed on gradual, "conservative principles"<sup>7</sup> to preserve the important elements of the constitution of the United Kingdom,<sup>8</sup> and sought "to repair the injuries which the country has sustained by a misgovernment of nearly fifty years".<sup>9</sup> By adopting a process of gradual but thorough reform, the Whigs ensured the survival of many

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the provision of religious and political liberty occasioned by the Acts of 1828 and 1829.

<sup>6</sup>N. Gash, Reaction and Reconstruction in English Politics 1832-52. The Ford Lectures Delivered in The University of Oxford in the Hilary Term, 1964, (Oxford: The Clarendon Press, 1965), p. 2.

<sup>7</sup>See The Reform Ministry and the Reformed Parliament (3rd Edition, London, U.K.: James Ridgway and Sons, 1833) pp. 101-2. mentioning Grey's speech during the second reading of the Church Bill in the House of Lords.

<sup>8</sup>E.A. Smith, Lord Grey, 1764-1845 (Oxford: The Clarendon Press, 1990), p. 3.

<sup>9</sup>The Reform Ministry, p. 3.

"constitutional" institutions, including the Church of Ireland, in times of considerable unrest.

A study of the debate surrounding Clause 147 affords the student of history a deeper understanding of both the Whig programme of reform, and of political techniques in the First Reformed Parliament. The Whigs were the first "party" to have a realistic understanding of the scope and boundaries of the post-1832 political milieu, and, because of that recognition, they were effective reformers.

## I

It was not surprising that the Irish Church came under the scrutiny of the Whig Cabinet and Members of Parliament. As Chapter One will show, although the Protestant, episcopal Church of Ireland was undergoing some internal modification in the 1830s, the institution was still in a dismal condition and became the subject of Parliamentary inquiry. Using the information provided by the various Parliamentary reports as a foundation, the Whigs developed a Church Bill that was completely in accordance with their notion of reform.

The Prime Minister and his colleagues were most aware of the problems, pit-falls and limitations associated with reform of any sort, and were extremely careful in framing the Bill of ecclesiastical reform.

While the provisions of Clause 147, a clause dealing with the distribution of proceeds arising from the sale of the perpetuities of leases held on episcopal lands, were judged by many, both inside and outside Parliament, as sanctioning appropriation, it was not viewed as such by the Cabinet. As will be shown in Chapter Two, the Administration spent a great deal of time and effort ensuring that the clause neither sanctioned nor denied the "great principle" of appropriation. This was a pragmatic decision as it was no secret that the party was divided on the question. The more progressive members of the cabinet - Viscount Althorp and Lords Russell and Durham - favoured some form of secular appropriation; while the conservative wing, including the Irish Chief Secretary, the Hon. E.G. Stanley, was decidedly opposed to such alienation, consistently subscribing to the inalienability of ecclesiastical property.<sup>10</sup>

Yet, while there was unquestionably significant disagreement as to whether the bill should sanction appropriation, there was general agreement relating to both the scope and intent of reform writ large, and of the need to reform the Irish Church. Therefore, the Cabinet, aware of the fragile nature of the reforming

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<sup>10</sup>Both wings were generally consistent with the views they had expressed in debate on radical M.P. Joseph Hume's motions regarding the finances of the Irish Church in 1824 and 1825.

coalition and of the uncertainty of prevailing socio-political climate, agreed to disagree and postponed reaching a decision on the divisive principle. Despite Kitson Clark's contention to the contrary,<sup>11</sup> Grey was able to paper over the cracks in the unity of his Cabinet and Stanley, the bill's architect, was given the freedom to develop a policy of reform for the Church of Ireland. By the time the Church Bill reached the Commons, the measure was a clear articulation of 1833 Whig thinking regarding Irish Church reform. The government was able to generate a bill which facilitated far-reaching reforms to both the administration and the financial foundations of the Church of Ireland.

However, as will be seen in Chapter Three, upon the bill's introduction into Parliament both wings of the opposition refused to accept the Minister's argument that the clause did indeed avoid appropriation. The Tories feared this "principle", while the radicals rejoiced in it. Given their limited numbers, the opinions of the radicals were of little concern to the Administration. However, those of the Tories were another matter. While Ministers consistently denied Sir Robert Peel's argument regarding the intent of the clause, his opinion was important as it expressed a view

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<sup>11</sup>Kitson Clark, *op cit.*, p. 64. wrote of Grey's Cabinet "it was a Cabinet not coherent and possibly not effective, without the consistency of an ordinary party Government. For a party cannot be made from a mere collection of oppositions".

shared by not only the Tory minority in the Commons but, more importantly, by both the Tory majority in the House of Lords and King William IV. Given the Parliamentary structure of King, Lords and Commons the misperception became reality, and once in Parliament the clause unfortunately became a de facto appropriations clause.

Defeat in the House of Lords seemed a very great possibility, and the Whigs faced a political dilemma. They could have used their majority in the Commons, and their popularity with the "people", to maintain their definition of the clause and attempted to push the bill through Parliament, but this would have resulted in a internecine constitutional collision between King, Lords and Commons. Put simply, the problem was that Grey's government wanted to execute a programme of significant reform, but it also believed in the validity of the existing constitution, albeit reformed, and had little desire to engage the Lords in a full-scale constitutional battle for the sake of a principle that, in their view, was not even contained in the measure. The Whigs were forced to make a decision within the dictates of responsible governance.

As will be shown in Chapter Four, recognising the constitutional liabilities associated with, and the insignificance of Clause 147, the Whigs silenced the whisper of appropriation by withdrawing the offending clause. Without Clause 147, the potent, yet uneasy

alliance of "Ultras" and moderate Tories was split, and the moderates led by Peel, and to a lesser extent the Duke of Wellington, grudgingly accepted passage of the measure.<sup>12</sup> By this deft political manoeuvre, the Government avoided an unwanted constitutional collision and, equally important, provided for the passage of a significant measure of Irish Church reform.

The withdrawal of Clause 147 was neither a Tory victory<sup>13</sup> nor a failure of Whig political principle as the Government did not believe appropriation to be a part of the bill. As the clause did not add to the strength or stability of the Church of Ireland, the basic aims of the measure, and given the turbulent times, it was unrealistic to expect the Whigs to break a lance for Clause 147. The withdrawal of the clause allowed the Whigs to remain in office, in order that they might consolidate the still fragile gains of 1828-32 and embark upon subsequent, equally important reforms.

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<sup>12</sup> Hansard XIX, 956-7.

O. Chadwick in, The Victorian Church, (London, U.K.: Adam and Charles Black, 1966 p. 58 wrote that moderate Tory Lords, under the Duke of Wellington "did not mind the bill so far as it claimed to reform the Church of Ireland for the sake of the Church of Ireland."

See also, Kitson Clark, *ibid*, p. 118.

<sup>13</sup>As argued by Brose, Church and Parliament, p. 55.



## CHAPTER ONE: THE CHURCH OF IRELAND IN 1833.

For the reform-minded Whigs, the condition of the Irish Established Church demanded the Government's immediate attention. The reports of various parliamentary committees revealed that although there had been minor improvements in the Church of Ireland's condition, the institution was still in poor shape and in desperate need of reform. Therefore, provided with a clear portrait of the institution's condition and armed with the recommendations of the parliamentary reports, the Grey Administration embarked upon its reform of the moribund Church.

This chapter will survey the condition of the Irish branch of the United Church in the early 1830s, and will pay considerable attention to the leasing structures of Irish episcopal lands. Having provided this important structural background, it will then investigate the impact of the various parliamentary reports on Edward Stanley's framing of the Irish Church (Temporalities) Bill, most especially with reference to recommendations dealing with the disposition of funds



accruing to the perpetuity purchase fund.<sup>14</sup> The Report of The Select Committee on Tithes in Ireland stated that the money accruing to the fund was never the property of the Church,<sup>15</sup> and Stanley's later argument that Clause 147 did not contain the principle of appropriation was completely in line with this recommendation. As such, there was complete and utter consistency in the Grey Administration's subsequent handling of Clause 147.

## I

The Act of Union of 1800, providing for the legislative union of Great Britain and Ireland, not only erected a cordon sanitaire for Great Britain against the threat of Continental turbulence but also for the security of the minority Irish Protestant Church.<sup>16</sup> This was partially achieved via the clause of the Act sanctioning the "union" of the Established Churches of England and Ireland. By Article V of the Act,<sup>17</sup> the

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<sup>14</sup>The Second Report from The Select Committee on Tithes in Ireland HC1831-32 [508] xxi.

<sup>15</sup>ibid., p. xiii.

<sup>16</sup>L.J. McCaffrey, The Irish Question 1800-1922 (Lexington, Ky.: The University of Kentucky Press, 1968), p. 2.

J.C. Beckett, in A Short History of Ireland (London, U.K.: Hutchinson and Co. Ltd., 1973), p. 135, noted that there was also strong support of the Union from Presbyterians who also feared the continued growth of Roman Catholicism in Ireland.

<sup>17</sup>The Fifth article of the Act read "That it be the Fifth Article of Union, That the churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said United Church shall be and shall remain in force for ever, as the same

Churches were united as the United Church of England and Ireland.<sup>18</sup> Irish Protestants, by the specifics of Article V, became members of the majority denomination of England and Ireland, and this was an important consideration in their decision to support the Act of Union. Many Episcopal Protestants believed this majority status would afford the rights and privileges associated with the concept of "establishment". These included Parliamentary Church building grants and continued legal obstacles to dissenters.<sup>19</sup> It was hoped that this Parliamentary support would assist in the expansion and stability of the Church of Ireland.

However, despite the political, social and economic benefits given by "establishment", the Irish Branch of the United Church of England and Ireland failed to expand its membership. Indeed it was faced with the problem of declining membership.<sup>20</sup> The Roman Catholic

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are now by law established for the Church of England; and that the continuance and preservation of the said United Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union; and that in like manner the doctrine, worship, discipline and government of the Church of Scotland shall remain and be preserved as the same are now established by law, and by the Acts for the Union of the two Kingdoms of England and Scotland."

<sup>18</sup>The Act made provision for the joining of the two Protestant and episcopal united Churches of the Kingdom. It therefore maintained the separate character of the Protestant yet Presbyterian Church of Scotland.

<sup>19</sup>These obstacles were partially removed by the acts of 1828 and 1829. Having said that, there was still statutory provision for a residual trinitarianism, as can be seen in barriers faced by Jews and Unitarians.

<sup>20</sup>The Edinburgh Review, January 1835, p. 518 ff. The article discussed the relative and absolute decline of Church of Irelandism to Roman Catholicism in Ossory from 1731 to 1831.

Church remained the most "popular" denomination in the country. This popularity of subscription can be seen in both absolute and relative terms. In 1834 a parliamentary committee discussed the numbers and locations of the members of the various denominations in Ireland. The committee's report painted a bleak picture of the numerical position of the Irish branch of the United Church. Estimating the population, in 1834, as 7,943,940, the report stated that the number of Roman Catholics was 6,427,712 (81%), the number of Church of Ireland adherents was 852,064 (11%), and the number of Presbyterians was 642,356 (8%), leaving the remainder as "other" Protestant dissenters.<sup>21</sup> This picture was especially disturbing to those who subscribed to the view that the established church should be the denomination of the majority of the people in the country.<sup>22</sup>

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<sup>21</sup>The First Report of the Commissioners of Public Instruction, Ireland, H.C. 1835 [45][46] xxxiii, p. 7. The committee, chaired by Brougham, used the 1831 census, with requisite modifications to calculate the religious distribution. It should be noted that the percentage figures have been rounded off.

For further discussion of the distribution of religious adherents in Ireland, see also The Parliamentary Review and Family Magazine, III, pp. 373-77, for the reprint of a letter entitled "A letter to Lord Grey on the Religious and Moral Statistics of Ireland", dated July 29, 1833 from "A Resident in Ireland" providing further information on the religious distribution in Ireland.

<sup>22</sup>For an example of this point of view see Thomas Arnold's Principles of Church Reform (London, U.K.: S.P.C.K. 1962 edition). In reference to reform of the English Church, Arnold argued that the church could be expanded to include in its membership most variations of trinitarian Christianity with the notable exceptions of Roman Catholics, Quakers and some of the more "radical" Protestant sects. See also The Eclectic Review, July 1833, for an article which although on the Church of Scotland reflected the

These difficulties were compounded by problems in the structure of the Church. The wide-spread opposition to the Irish Church was not merely due to the abstract concept of "establishment" and to the small numbers of its adherents but, for the most part, due to its administrative and financial largesse. As can be seen in the Irish tithe agitation of the late 1820s and early 1830s, complaints was generally centred on concrete financial grievances, as opposed to perceptions of abstract injustice.<sup>23</sup> The Irish Established Church cost all the people of Ireland, through the imposition of the Church Cess,<sup>24</sup> tithe, fines, and rents, over £700,000 per annum,<sup>25</sup> while the majority Roman Catholic Church cost approximately £500,000 per annum.<sup>26</sup> The Roman Catholic majority was forced, in effect, to shoulder the upkeep of both Churches.

There were 1,456 benefices in the Irish Established Church, and these benefices contained, due to parochial

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sentiments of many in reference to Established Churches when it wrote "[a] Church is a popular institution or it is nothing." The Morning Chronicle, November 5, 1832, quoting a "Clericus", wrote that "[a] national church ought to be Christian not sectarian."

<sup>23</sup>See for example the Report from the Select Committee on Tithes in Ireland, H.C. 1831-2, [177] xxi, i.e. pp. 3-4., and H.C. 1831-2, [508] xxi, p. vii.

<sup>24</sup>The Church Cess was the Church of Ireland's equivalent of the Church of England's Church Rate. The Church Cess was also called the Vestry Cess.

<sup>25</sup>See Viscount Althorp's initial introduction of the measure 3 Hansard XV, 567.

<sup>26</sup>D. H. Akenson, The Church of Ireland. Ecclesiastical Reform and Revolution, 1800-1885, (New Haven, Conn.: Yale University Press, 1971), p. 109.

unions, some 2,347 parishes.<sup>27</sup> Superintendence of the parochial elements of the pre-1833 Church fell to four archbishops and eighteen diocesan bishops. Under this hierarchy were up to 2,000 clergy holding the wide range of religious offices associated with the Church.<sup>28</sup>

A considerable financial foundation was needed for the upkeep of this large administrative structure, and if the massive Irish Church establishment was not supported by the people it was most definitely supported from the land. While the amount of revenue accruing from this source to the Church may have been prone to

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<sup>27</sup>An Account of the Respective Values of the Several Benefices in the Different Dioceses in Ireland. H.C. [265] xxvii. The 1,456 figure was used by Earl Grey in a speech during the passage of the Church (Temporalities) Bill see 3 Hansard XIX, 740. During the course of the debate the Prime Minister stated that although 1,456 was the actual number perhaps the figure of 1,306 would be more accurate, as it reflected the number of benefices with the "cure of souls". See also An Abstract of the Gross and Net Incomes of Parochial Benefices in Ireland taken from Returns made to his Majesty's Commissioners for inquiring into Ecclesiastical Revenues and Patronage. H.C. 1833 [651] xxvii.

To show the problems in estimation as to the size of the Irish Church, Buckingham, in The Parliamentary Review and Family Magazine, III, p. 371, places the number of benefices at 1,422 thus contradicting his previous calculations of 1,200 (II, p. 210) and 1,396 (III, p. 58). J. Ware, in The Extraordinary Black Book... (London, U.K.: Effingham Wilson, Royal Exchange, 1831) places the number of benefices at between 1,075 (p. 97) and 1,270 (p. 115). For a discussion as to the causes and effects of parochial unions see The Extraordinary Black Book..., p. 88 and The British Magazine and Monthly Register of Ecclesiastical Information, June 1832.

<sup>28</sup>The Parliamentary Review... III, reported the number of clergy at between 1,396 (p. 58) and 1,977 (p.371). The less generous Extraordinary Black Book..., placed the number at 1,075, owing to the wide spread activity of pluralist ministers. The Times, February 9, 1833, placed the number of clergy at between 1,600 and 1,800. As an aside, an excellent, yet brief overview of the various religious offices can be found in R. Gilmour's notes to Anthony Trollope's The Warden (London, U.K.: Penguin Books, 1984 ed.), p. 187 n.1.



exaggeration,<sup>29</sup> it was difficult to deny that the revenue was large, perhaps too large for the administrative purposes and needs of the Church.<sup>30</sup> The proceeds of tithe (when paid<sup>31</sup>) and the revenue from the management of both glebe<sup>32</sup> and episcopal lands ensured that the Irish Established Clergy, as a whole, enjoyed a definite degree of financial comfort. Of course, it must be remembered that the ecclesiastical revenue, despite the existence of the Board of First Fruits,<sup>33</sup> was unequally distributed and was, due to the relationship to the value of the land, subject to economic fluctuations.<sup>34</sup> Therefore, while many clergy lived in

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<sup>29</sup>See for example The Extraordinary Black Book, which calculated the annual income of the Church to be £1,456,587. Pro-church organs took exception to these estimates. See, The Christian Remembrancer or the Churchman's Biblical, Ecclesiastical and Literary Miscellany of February 1834, p. 93, which argued that the revenue of the Church was the subject of great exaggeration.

<sup>30</sup>See, for example Russell's Speech, during the tithe debate of 1832, reprinted in The Morning Chronicle, July 14, 1832.

<sup>31</sup>See A Return of the Arrears of Tithe due in the several Dioceses of Ireland, from May 1st, 1829 HC 1833 (509) xxvii.

Also The Edinburgh Review, October 1833, p. 98.

<sup>32</sup>Glebe lands were parochial land attached to a benefice.

<sup>33</sup>The Board of First Fruits was an organ created for the Pope to receive the first year's income of the holders of ecclesiastical offices. After the Protestant Reformation, the first fruits had accrued to the monarch, until the reign of Queen Anne when the fund was turned over to the Established Church. Ostensibly the fund provided for an internal redistribution of Church income, however, for a number of reasons, the functioning of the Board was far from efficient.

<sup>34</sup>See H.C. 1833 [265] xxvii, for an example of the unequal distribution of the value of parochial livings figures. The amounts ranged from £30 to £2,600. Given the ecclesiastical demographics of Ireland it was hardly surprising to find that many of the "poorer" sees and benefices were in the even more predominantly Catholic parts of Ireland. That having been said, it should also be noted that many of these benefices were responsible for the cure of few, if any, Church of Ireland souls—see Grey's speech, 3 Hansard, XIX, 1833 col. 740. The graduated tax on incumbents, in lieu of the inefficient Board of First Fruits, was

comfort some incumbents and many curates lived in relative poverty.<sup>35</sup> This discrepancy was greatly exacerbated by the withholding of tithe revenue during the agitation of the late 1820s and early 1830s which further limited the pool of money available to the Church of Ireland.

In addition to the tithe, two other sources of revenue comprised important elements in the revenue of the parochial clergy. These two sources were the Church Cess and income arising from the rental of glebe lands.<sup>36</sup> As with the tithe, there was also considerable animosity in reference to the Church Cess. Although the financial burden was not large, the method of assessment caused the Cess to be viewed by the majority of the Irish as a glaring example of unjust taxation to support an over-endowed and alien Church.<sup>37</sup>

All told, the total gross revenue of the Church of Ireland's parochial benefices was £526,136 7s 4d which

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meant to facilitate the goal of an intra-Church redistribution of wealth.

<sup>35</sup>The Extraordinary Black Book..., p. 100, stated that £500 per annum was considered a middling wage by the Irish clergy.

<sup>36</sup>See The Edinburgh Review, July 1835, p. 508 for calculations of the amount.

<sup>37</sup>HC 1833 [508] xxi, p. vii.

For an example of the application of the Cess see Return of the Amount of Church Rates assessed in the Parish of Youghal on Easter Tuesday, 1833, H.C. 1833 [383] xxvii. The British Critic and Quarterly Theological Review, April 1832, p. 322 was not in agreement with the tithe committee on the "odious" nature of the Cess. They argued that the Irish were aware of the Cess, and that it was one of the costs of living in a particular society.



resulted in a net annual revenue of £478,346 6s. 10d.<sup>38</sup> When all the above sources of parochial income were taken into consideration it was not difficult to agree with the assessment of The Edinburgh Review that the Irish parochial clergy were in a rather enviable position, especially in comparison to their English brethren.<sup>39</sup>

Turning next to the average revenue accruing to the Church's episcopal officers, the annual gross revenue of the archbishops and bishops was £151,127 12s 4 1/2 d, with the net revenue being £128,808 8s 3 3/4d.<sup>40</sup> This resulted in an average episcopal net income of £5,584 per annum.<sup>41</sup>

All told, a considerable amount of the episcopal income came from the land. The total amount of the

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<sup>38</sup>An Abstract of the Amount of Gross and Net Incomes of Parochial Benefices in Ireland. Taken from the Returns made to his Majesty's Commissioners for Inquiring into Ecclesiastical Revenues and Patronage, H.C. 1833 [651] xxvii. The figures are based on returns received from 1,184 out of the 1,456 benefices which reported to the Committee.

<sup>39</sup>The Edinburgh Review, October, 1833, p. 203. See also The Extraordinary Black Book..., p. 100.

<sup>40</sup>The First Report of his Majesty's Commissioners on Ecclesiastical Revenue and Patronage, Ireland, H.C. 1833 [762] xxi, p. 42. The figures are based on average annual figures for three years ending December 31, 1831. Also A Calculation of the Incomes of the Archbishops, Bishops, Dignitaries, and the Parochial Clergy of Ireland, before The Church Temporalities Act, under The Church Temporalities Act, and under the proposed bill for the Better Regulation of Ecclesiastical Revenues and the Promotion of Religious and Moral Education in Ireland, H.C. 1835 [461] xlvii, p.2.

<sup>41</sup>The Edinburgh Review, July 1835, pp. 502-3. This revenue was exclusive of the revenue accruing to such episcopal offices such as the Deans and Chapters.

Church of Ireland's holdings in land amounted to some 669,247 acres. Of that amount 485,532 acres were profitable, 155,643 were unprofitable, and 28,072 were "undistinguishable".<sup>42</sup> The total rents paid under the various kinds of leases was £45,258 15s 9 1/4d from some 1,922 tenants.<sup>43</sup> The majority of the leaseholders held their leases for terms of twenty-one years, but there were also leases granted for forty years, "three lives" and other variations.<sup>44</sup>

Holders of these leases were not members of the Irish peasant class, but were members of the Protestant aristocracy and the so-called "upper class".<sup>45</sup> Of the holders of episcopal leases, 403 tenants held their leases for forty years, and others held them for "three

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<sup>42</sup>H.C. 1833 [762] xxi. HC 1831-32 [508] xxi, p. xi, gave the extent of the holdings at over 700,000 acres. See also The Edinburgh Review, July 1835, p. 503.

<sup>43</sup>H.C. 1833 [762], xxi, see appendix 1st schedule, 2nd part.

<sup>44</sup>Ibid. 1,198 people held leases of twenty-one years, 403 held leases of forty years, 80 individuals held leases for terms of lives, 67 paid "Chief rents" and 174 individuals held their leases from year to year.

<sup>45</sup>See A. D. Kriegel, "The Irish policy of Lord Grey's Government" in English Historical Review, (Vol. LXXXVI, 1971, pp. 22-45), p. 23 n. 4.

E. Brynn, The Church of Ireland in the Age of Catholic Emancipation. (New York, N.Y.: Garland Publishing Inc., 1982), p. 256 wrote that "[m]ost leases were held by Irish Aristocrats, and indeed members of the Bishop's family who enjoyed the use of some of Ireland's finest lands at nominal rents and fines. As a result the Church was in fact subsidizing the aristocracy to sustain the Church itself. Stanley was eager to reform the system". This point can also be seen in the fact that the leaseholders enjoyed 5/6th of the beneficial interest of the episcopal lands. Cobbett's Magazine, March 1833, pp. 171-3, believed that the Church Bill's provision for the purchasing of the perpetuity of the lease would serve to provide even greater wealth for the aristocracy at the expense of the public.

lives" but the majority, 1,198, held their leases for the standard twenty-one years.<sup>46</sup> The holders of the twenty-one year leases generated an average annual rental income of approximately £39,306.<sup>47</sup> In addition to the rental income, the amount of fines paid for the privilege of lease renewal was approximately £75,052 showing that the fines were a major component of episcopal income.<sup>48</sup>

The great majority of episcopal leases were for terms of twenty-one years, a term imposed not by the Bishops themselves, but by law.<sup>49</sup> This legislative prohibition had been given sanction because of the tendency, in the seventeenth century, for some episcopal officers to grant long term leases with low rents in exchange for a large fine for renewal. This fine would provide a considerable short-term financial profit for

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<sup>46</sup>H.C. 1833 [762] xxi, p. 7.

<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

See also The Edinburgh Review, July 1835, p. 503.

<sup>49</sup>The statute, passed in the reign of Charles II, was "An Act for the preservation of the inheritance rights, profits of lands belonging to the Church, and to persons ecclesiastical". Peel, 3 Hansard, XVII, 1002, was to use this in his argument that the bill did not create a new value but merely lifted a legislative prohibition.

See also M.D. Condon, "The Irish Church and the Reform Ministries" in The Journal of British Studies (Vol. III, no. 2, May 1964, pp 120-42), p. 130 and Akenson, op cit., p. 99.

K.T. Hoppen, in "Politics, the law and the nature of the Irish electorate, 1832-1850" in English Historical Review, (Vol. 92 [1977], pp. 746-76), p. 747, argued that economic factors favoured the granting of short-leases in the years after 1815 due to the fact that economic fluctuations could not only raise the value of the lease but lower it as well, therefore, the tenants preferred short leases.

the incumbent but was gained at the cost of a long term alienation of episcopal property and the diminution of realistic rental income for their episcopal successors. In order to stop this practice, an act was passed to restrict the granting of leases, for the most part, to a term of twenty-one years. However, despite the legislative prohibition, a method was soon developed which would allow, by the mutual agreement of the landlord and tenant, the lease to continue in an almost perpetually unexpired state of twenty-one years. This was achieved by an annual, rolling renewal of the lease by payment of a fine. The lease did not have to be renewed annually but such annual renewal of the lease afforded benefits to both parties. The rents paid on episcopal lands were based on valuations made during the reign of King Charles II,<sup>50</sup> and were therefore financially unrealistic. The system of fines afforded the Bishop the opportunity to recoup a more realistic return. The tenant benefitted from the arrangement, as it provided for greater long-term security for his investment in the leasehold as the lease would remain unexpired for a period of twenty-one years following each renewal. It was, therefore, usually in the best interests of both parties to renew the lease by this method.

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<sup>50</sup>See Sir Robert Peel 3 Hansard, XVII, 1002.

In the calculation of the fine paid for renewal there was no "all Ireland" method; however, by convention, the great majority of Irish bishops used the same approach for calculation. The fine was generally calculated as one-fifth of the Profit-Rent "after deducting the Rent paid by the lessee to the Archbishops or Bishops and not debiting the Tenants with the value of their buildings".<sup>51</sup> Therefore "the fine is, in reality the anticipation or advance of Rent payable in futuro."<sup>52</sup> To assess the rate, the reserved rent would be subtracted from the value of the land, often with consideration given to improvements made to the leasehold, and then the "clear figure" would be divided by the established figure relating to the rate of the number of months purchase with the quotient giving the annual fine.

When the system of fines and renewals ran smoothly and consistently it afforded security to both the landlord and the tenant. However, there were a number of

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<sup>51</sup>H.C. 1833 [762] xxi, p. 8.

J. Mokyr, in Why Ireland Starved: A Quantative and Analytical History of the Irish Economy, 1800-1850, (London, U.K.: George Allen and Unwin, 1983), pp. 82-3, noted that if the landlord was responsible for the improvements the cost and future value of said improvements would be factored into the rent.

<sup>52</sup>H.C. 1833 [762] xxi, p. 10. See also The Return of the present Rates of Renewal Fines on Bishops' Leases in the Several Dioceses in the Kingdom of Ireland: specifying in each Diocese the principle upon which the calculation of the Renewal fine is founded, also stating the number of Leases in each diocese which have expired from 1st January 1800 to 1st January 1833, H.C. [381] xxvii, for the specifics of fine calculation in each see. The majority of the sees charged the established one-fifth rate for lease renewal.



actual and potential problems with the system. The low rental rate was balanced by the revenue from the fine but the balance would only be obtained if the renewal fine was paid. Ergo, as argued in the Second Report of the Committee on the Tithe, the fact that the Bishop depended upon the revenue from the fine, almost compelled him to renew. This, while not resulting in a de jure perpetuity, resulted in a de facto perpetuity.<sup>53</sup> Non-renewal would have a drastic effect on episcopal revenue. The problems inherent in this system of lease renewal while not rampant were potential landmines.<sup>54</sup> Non-renewal, by either party, was held to be a major barrier to the financial improvement of Ireland, as it failed to make secure capital investment in the country which, in turn, many argued, caused social unrest. Given the need for an infusion of capital into Ireland, the leasing regime of Church lands was a subject of concern.

One of the problems, although not very common, was non-renewal by the bishop.<sup>55</sup> If a Bishop decided not to renew the lease of a tenant, all the improvements made to the leasehold by the tenant, such as buildings and cultivation, would have been in vain. Economic fear,

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<sup>53</sup>1831-32 [508] xxi, p. xi. However, the committee did agree that this type of agreement did not encourage improvements to the leasehold.

<sup>54</sup>Viscount Althorp, 3 Hansard XVIII, 1143-4, during the debate on the Church Bill, responding to a suggestion from Mr. French that the existing leasing regime provided a de facto perpetuity, provided figures showing that not all leases were renewed under that structure.

<sup>55</sup>Cobbett's Magazine, March 1833, pp. 171-2.



caused by the uncertainty of the lease renewal, was believed by some to be the cause of the lack of capital investment in leasehold lands, while a long lease would provide some indication of security and would lead to greater capital investment.<sup>56</sup>

Conversely, if a tenant decided not to renew the lease, or to let the lease run a number of years prior to renewal, the bishop could stand to lose a considerable portion of his income. Some bishoprics maintained a principle of charging interest on the fines of leases not regularly renewed in order to discourage irregular renewal.<sup>57</sup> But in spite of the rolling interest charge "there [was] always an outstanding portion of See interest..."<sup>58</sup>

In addition to the problems of the fine and renewal, there was also concern as to the actual management of the episcopal lands. Friends of the Church of Ireland, indeed even some of its critics, argued that the Irish Church was getting too small a portion of the

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<sup>56</sup>1831-32 [508] xxi, p. x. See also, for example, The Extraordinary Black Book..., p. 84-5. And The Parliamentary Review..., III, p. 377 for a letter from "A Resident in Ireland". See also J. Mokyr op cit, p. 81. It should be noted that although Mokyr did not agree with the hypothesis, it was given considerable currency during the creation and passage of the Church Bill. However, not even all contemporaries agreed with that hypothesis, for example during the King's Speech, Mr. Richards argued that if a provision was made for the poor there would be an influx in capital and an increase in the participation of labour. 3 Hansard, XV, 183. Also The Extraordinary Black Book..., p. 85

<sup>57</sup>For an outline of the various leasing practices see H.C. 1833 [381] xxvii.

<sup>58</sup>H.C. 1833 [762] xxi, p. 7.

beneficial interest of its lands, and that a fiscal reorganisation and better land management would greatly increase the ecclesiastical institution's revenue.<sup>59</sup>

Nevertheless, despite the patently obvious problems of the Church in the 1830s, in both structure and subscription, the condition of the institution was considerably better than it had been in the first three decades of the nineteenth century. A process of gradual internal reform, initiated by an evangelical movement,<sup>60</sup> had placed the Church in a somewhat better position. Allies of the institution used these manifestations of reform in their defence of the Church of Ireland<sup>61</sup> against the numerous and vociferous critics. Friends of the Church argued that the dynamo of parliamentary interference in support of Irish ecclesiastical reform was not only unjust, but unnecessary. They argued that the Church itself was aware of the institution's shortcomings and could provide the solutions to its problems.<sup>62</sup> Many believed that the internal reforms improved the efficiency and, perhaps more importantly, the "desirability" of the institution, thus allowing it

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<sup>59</sup>See The Times, March 13, 1833 and The Christian Remembrancer, March 1833 p. 185, for discussions of the beneficial interest in episcopal lands.

<sup>60</sup>See Akenson, op cit, p. 71ff, and pp. 121-8 and Brynn, op cit, pp. 88, 124, 131-3, and 134.

<sup>61</sup>See Blackwood's Edinburgh Magazine, May 1833, especially pp. 733-4, for a glowing picture of the Irish Church in the 1830s.

<sup>62</sup>The Christian Remembrancer, December 1832, p. 743 and June 1833, p. 328, argued that if the Established Church was allowed to reconvene convocation, then the Church could undergo meaningful, self-directed and initiated reform.

to succeed in its mission. Whig-inspired reforms, on the other hand, would arrest the momentum of the Church initiated measures.<sup>63</sup>

There had, then, been some attempt to improve the condition of the Church but these modifications were not significant and the proponents of "outside" reform had a better case. The pace of change, undertaken by the Church, was not fast enough to keep pace with the reforming dynamics of the post-1832 United Kingdom. The process of improvement can best be described as moving from bad to poor. Moreover, there was the additional problem related to the fact that role and efficiency of the Church of Ireland "was determined more by external factors than by...internal efficiency."<sup>64</sup> Reformed, in the process of reform, or thoroughly unreformed, the Church of England in Ireland was still perceived to be one of the most, if not the most, corrupt institutions of the United Kingdom.<sup>65</sup> Therefore, those friends of the Church who argued that parliamentary interference was unnecessary were overly optimistic, and Parliament did need to interfere to provide for the continued existence of the Church of Ireland.

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<sup>63</sup>Blackwood's, May 1833, p. 735, gave examples of these church initiated measures. They included Church action regarding residence, programmes of church building and support of charities.

<sup>64</sup>Akenson, op cit, p. 140.

<sup>65</sup>The Eclectic Review, January 1834, p. 48, referred to the Church of Ireland as "the greatest ecclesiastical enormity of Europe."

## II

Had it not been for the anti-tithe agitation of the late 1820s and early 1830s,<sup>66</sup> the attention of Parliament would not have been as focused upon the condition of the Church of Ireland.<sup>67</sup> After all, the Church had been in a poor condition since the Act of Union and Parliament had refrained from interference. The anti-tithe movement forced Parliament into a thorough investigation of both Ireland and its National Church.

At this point, it is as well to reiterate that Irish Church reform must be viewed as being a part of the Whig programme of reform to preserve important elements of the constitution of the United Kingdom, and not strictly as a "condition of Ireland" issue. Through Parliamentary investigation individuals both inside and outside of Parliament reached the conclusion that perhaps a better reorganisation of the existing resources of the Church would have lessened the

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<sup>66</sup>For a litany of the violence see Stanley's speech in the House of Commons, on February 5, 1833, 3 Hansard, XV, 185 ff, Grey's speech in the House of Lords in ibid, XV, 733 ff, Cobbett's reprint of an article from The Church Reformer's Magazine in Cobbett's Weekly Political Register February 18, 1832 and Blackwood's Edinburgh Magazine, March 1833 n. p. 357 and April 1833, p. 569.

<sup>67</sup>For an expansion of the historiographical debate surrounding this point, see M. D. Condon "The Irish Church and the Reform Ministries" in The Journal of British Studies (Vol. III, no. 2, May 1964, pp. 120-42) and R. P. H. Mermagen "The Established Church in England and Ireland: Principles of Church Reform in The Journal of British Studies (Vol. III, no. 2, May 1964, pp. 143-7).

financial burden on the Irish in toto; would have placated Irish unrest and, most importantly, provided for the continued existence of the Irish Established Church.<sup>68</sup>

The Tithe Committee, whose members included the Hon. E.G. Stanley, the Whig Irish Secretary, printed its second report in June 1832, and it was out of this report that the genesis of many of the provisions of the Church (Temporalities) Bill can be found.<sup>69</sup> Noting the presence of an "organized and systematic opposition to the payment of tithe" in Ireland,<sup>70</sup> the committee made several recommendations to secure the Church in Ireland.<sup>71</sup> At the same time, it sought to lessen the conflict between the Protestant clergyman and the predominantly Roman Catholic peasant. This would seem to suggest that the Grey administration was not only responding to the events in Ireland, but was also attending to what needed to be reformed in light of a larger policy of reform. In order to remove the causes of the tithe unrest, the committee recommended a greater expansion of the tithe compositions already in place, and that they be made permanent and compulsory.<sup>72</sup> The

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<sup>68</sup>For example, see H.C. 1831-32 [508] xxi, p. xiv.

<sup>69</sup>*Ibid.*, p. iii.

<sup>70</sup>*Ibid.*

<sup>71</sup>Including what was to become the basis of the Irish coercion Act, 3 Will IV. c. 4

<sup>72</sup>1831-32 [508] xxi, p. v.



committee proposed three bills which it recommended the House adopt to afford stability to the country.<sup>73</sup>

In addition to discussing the specifics and remedies for the socio-political unrest the Committee investigated the condition of the Irish Church. The Committee made an important point when it noted that:

...the grievance which excites the greatest complaint, and that of which the greatest use has been made by those who have exerted themselves to increase the discontent, is not the amount of payment, but the fact of any payment being made directly by the Catholic peasant to the Protestant clergyman, for which, according to the ordinary phrase, he receives no return.<sup>74</sup>

The Committee discussed the Vestry Cess, which although "trifling in amount" was "obnoxious" to the people of Ireland and caused a considerable amount of unnecessary problems. They felt that a better financial reorganisation of the Church would still provide basically the same level of finances, but would remove an unnecessary point of collision.<sup>75</sup>

After discussing the problems of tithe and the Church Cess, the committee turned its attention to the

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<sup>73</sup>Ibid, p. xiii. The three bills recommended were: "A Bill to amend the provisions of the Tithe Composition Acts and to render them permanent and compulsory...A Bill to constitute Ecclesiastical Diocesan Corporations in Ireland... [and] A Bill for the commutation of Tithes for Land".

<sup>74</sup>Ibid, p. vii.

<sup>75</sup>1831-32 [508] xxi, p. xiii.



financial management of the Church's revenues and of its lands,<sup>76</sup> and recommended the basis of what would become the Board of Ecclesiastical Commissioners.<sup>77</sup> The document noted that one source of potential revenue for the financial requirements of such a Board could be met out of the proceeds of the improved management of episcopal lands, which would give them a greater value.<sup>78</sup>

There was an almost universal de facto recognition of the perpetuity, of the permanent interest, of the lease, as seen in the unexpired twenty-one year tenure of the lease. The Committee felt however that greater security would be afforded to the leaseholder if that de facto "permanent interest" of the leaseholder was made de iure. This legal transition could be accomplished by allowing the leaseholder to buy, for a sum based on a specified number of years' purchase of the permanent interest, the perpetuity of the lease. And from the financial sum arising from this transaction a perpetuity purchase fund would be created. The germ of Clause 147

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<sup>76</sup>O. J. Brose, Church and Parliament. The Reshaping of the Church of England. 1828-1860 (Stanford, Calif.: Stanford University Press, 1959) pp. 107-8, using evidence provided by the Chief Remembrancer of the Exchequer in an address to a Commons committee, noted that "if tenants were given leases forever or for long terms at corn rents, and the corporation had powers of sale and exchange, the landed estates of Ireland could be profitably managed".

<sup>77</sup>1831-32 [508] xxi, p. x. The report made a tacit recommendation for the creation of local Boards for the more efficient financial administration of the institution.

<sup>78</sup>Ibid., p. xi. They argued that the insecurity of the property was a barrier to the influx of capital into Ireland.

can be found in the Committee's recommendation that the money received would be available, after satisfying Church needs, for Parliamentary disposal.<sup>79</sup> This recommendation formed an important element in Whig thinking and action on the nature of Clause 147, as it dealt with the issue of appropriation by stating that the money accruing to the perpetuity purchase fund was never the property of the Church. This assertion was consistently maintained by the Administration during the passage of the Bill.

The Committee concluded its Second Report with the following:

Your Committee entertain a sanguine hope that the measures which they have now recommended to the consideration of the House would go far to remove the feeling in the minds of the population adverse to the Established Church...<sup>80</sup>

This conclusion demonstrated the desire of the Committee to frame the needs of the Irish Church within the context of reform writ large, rather than as a measure of placation of Irish tithe unrest. Such a recommendation suggests that the motivation behind Whig ecclesiastical reform was primarily for the institution and not for its setting. No doubt Grey's Government

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<sup>79</sup>Ibid, pp. xii-xiii.

<sup>80</sup>Ibid, p. xiv.

sought to stop Irish unrest,<sup>81</sup> but Irish Church reform was not, intrinsically, a pacific measure, and the actions resulting from it should be judged accordingly.

With the problem in focus, and information provided from the Parliamentary committees, the Whigs undertook the process of Irish Church reform. While the tithe agitation and the reports of the select committees drew the attention of Parliament to the condition of Ireland, the bill's development was in line with the Whig notion of the reform and utility of the existing institutions including Established Churches. The Irish Church (Temporalities) Act did not deal with tithes, did not provide any major concessions to Irish Roman Catholics to quieten the social unrest and did not, specifically, address the practical problem of an under-subscribed established church. The bill was framed to ensure the continued and more efficient existence of the Irish Church within a more secure financial milieu.

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<sup>81</sup>As shown by the coercion measures. See The Reform Ministry and the Reformed Parliament (3rd edition, London, U.K.: James Ridgway and Sons, 1833), pp. 7-8.

CHAPTER TWO: EARL GREY'S CABINET AND THE  
DEVELOPMENT OF THE BILL.

With the triumph of the House of Commons over the Lords in the Spring of 1832, the Grey Administration turned its attention towards other foci of reform, including the Church of Ireland. Armed with the recommendations of the Tithe Committee,<sup>82</sup> the Whigs embarked upon the arduous task of reforming the moribund institution. At its most basic, the Whig objective was to lessen the burden of the Church on the Irish by making significant financial and administrative changes, thereby making provision for the strengthening and continued existence of the institution.<sup>83</sup> However, as simple as it would initially seem, this task was far from easy. The Whigs had to formulate and implement measures of reform in reference to certain parameters - both internal and external. The programme offered had to be acceptable not only to the widely diverse Whig Cabinet and parliamentary "party", but also to the other two elements of Parliament- King and Lords. Additionally, the mood of the country-at-large had to be

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<sup>82</sup>Second Report From The Select Committee on Tithes in Ireland, H.C. 1831-2, (508) xxi.

<sup>83</sup>The Times, April 2, 1833. The newspaper reported that Russell had stated that the "sole object of the measures intended to be proposed by government was to benefit the Irish Clergy by putting an end to the unfortunate collisions which too frequently took place between the Protestant ministers and the Catholics".

considered. This chapter will investigate the development of the Church Bill in Grey's Cabinet and will argue that when the bill was finally formulated the Administration had dealt with appropriation, genuinely believing that the principle was not included in the measure. As such, the subsequent withdrawal of Clause 147 was not the surrender of an important principle.

# I

Unlike Wellington's Ministry, the first Grey Administration had a common goal, the reform of the franchise.<sup>84</sup> However, as early as February 1832, some Whigs realised the fragile nature of their reforming and "anti-tory" coalition.<sup>85</sup> The pre-1834 Whigs covered a considerable range of the political spectrum. The "party" included outright radicals, such as John Lord Durham, "progressive Whigs" such as Viscount Althorp and Lord John Russell, "traditional Whigs" such as Earl Grey

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<sup>84</sup>For an example of exceptions to this general unity see C. New's Lord Durham. A Biography of John George Lambton-First Earl of Durham, (Oxford: The Clarendon Press, 1929), p. 123 on the question of the ballot, and p. 160 on the immediate creation of peers. The Morning Chronicle, December 24 and 25, 1832 noted the different views held by Russell and Stanley on the use of the ballot.

<sup>85</sup>See Parnell to Brougham, February 18, 1832 in Henry Lord Brougham's The Life and Times of Henry Lord Brougham, (Edinburgh and London, U.K.: William Blackwood and Sons, 1871) p. 175. During the debate on Ward's motion in 1834 The Parliamentary Review and Family Magazine, (I, p. 715) wrote of the "reciprocal sacrifice of individual opinions for the sake of common unity" in the Grey Cabinet.

and the Honorable E.G. Stanley and "ultras", such as Richmond, who had left the Tory party due to the Duke of Wellington's long overdue and grudging concessions to Roman Catholics and Dissenters in 1828-9. Such a diverse grouping would have a great deal of difficulty aggregating and articulating a programme of reform. But attention was focused on the passage of "The Great Reform Bill" and the Cabinet deliberately avoided dealing with other questions, as these might seem to over-radicalise the Whig plan of reform.<sup>86</sup> However, once the reforms of 1831-2 were passed differences of opinion became apparent and the politically diverse Whig Cabinet had difficulty reaching consensus on further reform.<sup>87</sup> While on the whole the Whigs were essentially conservative,<sup>88</sup> reforming on principles of conservative and gradual reform,<sup>89</sup> and fearing the growth of radicalism far more than a Tory reactionary backlash,<sup>90</sup>

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<sup>86</sup>This is the general tone of A.D. Kriegel's "The Irish Policy of Lord Grey's Government" in English Historical Review (Vol. LXXXVI, 1971, pp. 22-45).

<sup>87</sup>W.D. Jones, in Lord Derby and Victorian Conservatism (Athens, Ga.: The University of Georgia Press, 1956) p. 24, notes that Stanley believed that the Reform Bill was a "complete and final measure."

<sup>88</sup>See Littleton, 20 May 1833, in A. Aspinall's (ed) Three Early Nineteenth Century Diaries (London, U.K.: Williams and Norgate, 1952), p. 266 for his comments showing that Grey was no friend of political unions. See also Grey's letter to Anglesey, dated October 25, 1832 stating that the Whigs would "[r]eform on truly conservative principles" in A.D. Kriegel's edition of H.R. Vassel Fox's The Holland House Diaries, 1831-40, (London, U.K.: Routledge and Kegan Paul, 1977) p. xxxiii.

<sup>89</sup>E.A. Smith, Lord Grey, 1764-1845 (Oxford: The Clarendon Press, 1990), p. 3.

<sup>90</sup>Croker wrote to Lord Hertford, November 21, 1832, cited in The Croker Papers (Vol. II. Ed. L.J. Jennings. London, U.K.: John



there were also powerful radical-progressive ministers in the Cabinet.

In addition to the internal intra-Whig "philosophical" barriers there were also practical Parliamentary problems associated with the Tory-dominated House of Lords and with the King. Both were obstinate in their opposition to most manifestations of Whig reform. The abhorrence of the Tory Lords to the reforms of 1831-32 is too well known to bear repeating here; suffice it to say that with their bruised egos the Lords, especially Cumberland and the "Ultra" faction, would be anxious to make a stand on most aspects of institutional reform. This potential impasse was a significant problem because the Whigs had no desire to use their post-December 1832 Commons majority to push a measure of radical ecclesiastical reform through Parliament, thereby causing a Constitutional collision. Despite their support of reform, the Whigs still believed in the Constitutional balance of Lords, King and Commons.

In developing programmes generally and a policy of ecclesiastical reform specifically, the Whigs not only had to consider the numerous functional problems within Parliament, but also had to pay considerable attention

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Murray, 1884), pp. 195-6 "I hear that Lord Grey becomes more and more anxious to escape; he has set fire to the mine and wants to run away from the explosion." See also The British Critic, October 1832, p. 430.

to external factors and forces. The "people" had not forgiven the Tories and Bishops for their opposition to the Reform Bills. However, the support of the people was conditional, in that it was based on the assumption that the Great Reform Act was the promise of greater, more far-reaching reforms.<sup>91</sup> This posed a problem as the wide-spread "public" support for reform was based on more radical assumptions than the Whigs themselves subscribed. On the other hand there seems to have been the perception of revolution or upheaval if the masses' appetite for reform was not satiated. Although the United Kingdom on the whole managed to avoid the overt socio-political turbulence of the Continent in the 1830s there was, nevertheless, continuing tithe unrest in parts of Ireland and "Swing" riots in agricultural

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<sup>91</sup>See Sir D. Le Marchant, Memoir of John Charles Viscount Althorp, Third Earl Spencer, (London, U.K.: Richard Bentley and Son, 1876), p. 448. For radical views see, for example, Cobbett's Weekly Political Register, December 21, 1832, p. 718, The Parliamentary Review and Family Magazine, I, pp. 218 and 345 and IV, p. 1ff and various sections of J. Wade's Extraordinary Black Book, (London, U.K.: Effingham Wilson, Royal Exchange, 1831). See also S. Macoby, English Radicalism 1832-1852 (London, U.K.: George Allen and Unwin, 1935), pp. 32-3 and The Morning Chronicle, September 4, 1832 for some of the specific radical demands. These radical views were countered by Tory and pro-Church views. See for example The Christian Remembrancer or the Churchman's Biblical, Ecclesiastical and Literary Miscellany, February 1833, p. 118, The British Critic and Quarterly Theological Review, Vol. XVII, p. 478 and October 1832, p. 429, The British Magazine and Monthly Register of Ecclesiastical Information, November 1832 and March 1833, The Quarterly Review, December 1832, p. 558 and Blackwood's Edinburgh Magazine, especially July and November 1832 and April 1833. One might also refer to The Times, October 9, 10 and 12, 1832 and January 8, 1833, The Guardian, December 8, 1832 and The Morning Chronicle September 25 and December 8, 1832.

England. Coupled with memories of the riots of "The Days of May" in 1832 these limited and localised manifestations of unrest seemed to issue a veiled threat of additional disquiet.<sup>92</sup> The "people" had certain expectations then for Whig reform.

The combination of the above factors placed the Whigs in a classic political dilemma. They had to effect significant social and political changes but also ensure that the reforms would not upset the existing structure, and would receive the assent of all three elements of Parliament.

## II

One institution that required immediate consideration was the Established Church of Ireland. The task of framing a measure of Irish Church reform that would be sustainable, effective and politically responsible fell to the Whig Irish Secretary, Stanley. In developing his plan, Stanley had to bear in mind the impact his bill would have on his support of Established Church Protestantism and the sanctity and inalienability of Church property. The problem was further exacerbated by the notion that Parliament's actions in relation to

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<sup>92</sup>The Westminster Review, July 1832, p. 255 provided a list of advances the people had a right to demand "before they will agree to lay down an atom of the state of preparation for constitutional resistance...".

the Irish Church would serve as a precedent for subsequent legislation for its English counterpart.<sup>93</sup> Stanley was conservative in ecclesiastical matters; in 1824 he had defended the sanctity of Irish Church property.<sup>94</sup> Nevertheless, he had to develop a policy that would be "acceptable" to the various factions of the Whig Cabinet, including those who had voted in favour of Joseph Hume's 1824 and 1825 motions, which he had personally opposed.<sup>95</sup>

This already difficult task was compounded by the fact that the Whigs were a widely diverse political grouping, including both radicals and "'ultras' pushed

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<sup>93</sup>Jones, op cit, pp. 26-7 and E. Brynn, The Church of Ireland in the Age of Catholic Emancipation, (New York, N.Y.: Garland Publishing Inc., 1982), pp. 250-1. O.J. Brose, Church and Parliament. The Reshaping of the Church of England, 1828-1860, (Stanford, Calif.: Stanford University Press, 1959), p. 51, noted that Russell suggested that, despite the Act of Union, they consider the Irish Church as a separate entity.

<sup>94</sup>See 2 Hansard, XI, 588, and Jones, ibid, p. 8.

Brynn, ibid, p. 251 wrote that "Stanley's plan was designed to engender support among those Whigs who were willing to give the Church of Ireland one final chance". Le Marchant, op cit p. 452 noted that Stanley had considerable difficulty in accepting many of the "liberal" provisions of the Church Bill.

<sup>95</sup>Joseph Hume's 1824 motion read "That it is expedient to inquire, whether the present Church Establishment of Ireland be not more than consumerate to the services performed, both as regards the number of persons employed, and the incomes they receive" and his 1825 motion read "the property in the possession of the Established Church in Ireland is public property, under the control of the Legislature, and applicable to such purposes as in its wisdom, it may be deemed beneficial to the best interests of religion and the community at large; due regard being had to the rights of every person in actual enjoyment of any part of that property."

2 Hansard XI, 588, records that the 1824 motion was defeated 79-153. Furthermore, 2 Hansard XIII, 1166, notes the vote on the 1825 motion was 37-126. It is important to note that influential members of Grey's reforming Cabinet supported either one or both of Hume's motions. These members included Althorp, Duncannon and Russell.

out of the Tory party by Catholic Emancipation."<sup>96</sup> Such diversity made the development of a policy of consensus difficult.<sup>97</sup> The more progressive wing of the cabinet, including Russell, Althorp and Durham, favoured more "radical" measures of reform than the Stanley-Sir James Graham faction. These Cabinet divisions can be seen most especially in reference to the disposition of proceeds arising from "secular" appropriation of Church property either to such purposes as Parliament might see fit to admit, or, to a lesser degree, and perhaps more reasonably, to the purposes of education regardless of denomination.<sup>98</sup> It was an issue of such fundamental importance that a decision either way - aye or nay - would have ripped the Ministry apart. Indeed, it was to do so during both the Irish Tithe Debate of May 1834 and Ward's subsequent motion on the revenue of the Irish Church; but the potential for revolutionary unrest and radical electoral success was not as great in 1834 as it had been in 1833, and it was a responsible political

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<sup>96</sup>Brynn, op cit, p. 240 and 259-60. See also G. M. Trevelyan, Lord Grey of the Reform Bill, being the life of Charles, second Earl Grey, (London, U.K.: Longmans, Green and Co., 1920), p. 357, for an analysis of the Cabinet splits on the Irish Church question. One might also refer to D. H. Akenson, The Church of Ireland, Ecclesiastical Reform and Revolution, 1800-1885, (New Haven, Conn.: Yale University Press, 1971), p. 167.

<sup>97</sup>G.M Trevelyan, ibid, p. 357.

<sup>98</sup>See E. Halevy, A History of the English People in the Nineteenth Century - Volume III: The Triumph of Reform, 1830-1841, (London, U.K.: Ernest Benn Ltd., 1950 [2nd revised edition]), p. 142 and J. Prest, Lord John Russell, (London, U.K.: The Macmillan Press Ltd., 1972), p. 57, for the Althorp-Russell idea vis-a-vis the provision of education.



decision on the part of the Administration to paper over the cracks in 1833. The fact that Stanley was able to win general Cabinet acceptance of the bill in 1833 provides an excellent example of the ability of the Whig Cabinet to compromise yet frame effective policies while avoiding moot, yet damaging, issues.

An additional factor to be considered in the development of the bill, was that not only did Stanley face Cabinet opposition, but he was also at odds with the Irish Viceroy, the Marquess of Anglesey. Although not a member of the Cabinet per se, Anglesey still had a considerable amount of influence in policy formulation and development.<sup>99</sup> The Viceroy, also known as the Lord Lieutenant, agitated for a number of radical solutions to the Irish problems in order to stem the O'Connell tide, and was willing to go much further than Stanley. Some of his solutions included the provision of a poor and labour rate, the payment of the Roman Catholic clergy and "General Church and Tithe Bills."<sup>100</sup> Stanley felt that Anglesey's plans were dangerous to the

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<sup>99</sup>The Act of Union although providing for a union of the Legislatures still made provision for a separate executive. 3 Hansard, XV. The Irish Executive in January 1833 included the Marquess of Anglesey as Lord Lieutenant and Lord Plunkett as the Lord High Chancellor.

J.C. Beckett, in A Short History of Ireland (London, U.K.: Hutchinson and Co. Ltd., 1973), p. 130 lists the provision of the separate executive as being the basic flaw in the Act of Union.

<sup>100</sup>E.A. Smith, op cit, pp. 289-94, also A. D. Kriegel's "The Irish policy...", p. 29. Also The Holland House Diaries, p. 205.



sanctity of property in Ireland.<sup>101</sup> While Anglesey, for his part, felt that if "Stanley's Church prejudices" prevailed and the Cabinet shrank from effecting adequate measures of reform, there could be no peace in Ireland.<sup>102</sup> However, although Anglesey's views may have been visionary, they were too radical and impractical in terms of a Whig reform measure for the Irish Church in the 1830s. Given the prevailing situation it was imperative that the Whig Cabinet develop a consensus which would result in the practical reform of the Irish Church.

In this search for consensus the Prime Minister, Grey, was of great importance. Although he had a solid commitment to a conservative vision of reform, he was held in esteem by both wings of his Cabinet. The Prime Minister found himself in the middle of the competing factions. Grey was not, in principle, opposed to the secular appropriation of Church property "[b]ut he was anxious to keep the Cabinet together, and he also believed that British opinion would be very jealous of anything savouring of a sacrifice to conciliate the Roman Church."<sup>103</sup> Grey was also aware of the consequences

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<sup>101</sup>Smith, *ibid.*, p. 294. Also Brynn, *op cit.*, pp. 250-65. As noted by Brynn, Stanley sought Anglesey's transfer to India.

<sup>102</sup>Smith, *ibid.*, p. 297. See Anglesey to Graham, October 6, 1832 and Anglesey to Holland, October 21, 1832 cited in Brynn, *ibid.*, p.259.

<sup>103</sup>G. M. Trevelyan, *op cit.*, p. 357. Grey-Holland, October 29, 1832, cited in G.I.T. Machin, *Politics and the Churches in Great Britain* (Oxford: The Clarendon Press, 1977), p. 34 stated that the

if his Whig Administration fell; he feared an onslaught of the radicals more than he feared the Tories. Believing in sustainable, conservative reform and in order to preserve much of the existing constitution, the Prime Minister threw his weight behind Stanley.<sup>104</sup>

Stanley's avoidance of appropriation in the bill, rather than being a cause for condemnation, was a reflection of Stanley's and Grey's responsible aggregation of a Whig position on ecclesiastical reform. This maturity resulted in legislation which led to a considerable reform of the Irish Church. As Gash noted, there are "few things...so dangerous in politics as the enunciation of principles,"<sup>105</sup> to which he might have added, for the establishment of moot, if not destructive, purposes.

In preparation of the Church bill, Stanley corresponded with the Archbishop of Armagh, Beresford, seeking to win the support of the Church's hierarchy for his reforms. Stanley reassured the Irish Primate that although he personally did not think the revenues of the Irish Church too large, he believed there could be a more equitable internal redistribution of the wealth.

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political payoffs involved would not make it worthwhile breaking a lance for appropriation.

<sup>104</sup>Jones, op cit, p. 43 wrote that Grey's fondness for Stanley postponed the much needed cabinet reorganisation.

<sup>105</sup>Gash, Reaction and Reconstruction in English Politics, 1832-52: The Ford Lectures Delivered in The University of Oxford in the Hilary Term 1964, p.68.

The Irish Secretary warned Beresford that if the assistance and support of the Church for this manifestation of reform was withheld a more radical programme of reform, perhaps one that included the secular appropriation of the institution's property, might result.<sup>106</sup> Beresford rightly saw Stanley as an avowed supporter of the sanctity of church property and one who should be helped in his task; he therefore entered into a generally cooperative agreement with the Chief Secretary. The political situation seemed to dictate some manifestation of reform and Beresford saw it to be in the best interests of the institution to assist in the framing of a measure that was as gentle and accommodating to the views of the Church as possible.<sup>107</sup> Beresford's cooperation was only partly successful, as he was forced into accepting a greater measure of reform than he had initially expected, further estranging him from his "natural" allies.<sup>108</sup> For his part Stanley had to make concessions to appease the

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<sup>106</sup>Brynn, *op cit*, pp. 260-1.

<sup>107</sup>Akenson, *ibid*, pp. 167-8. However, that being said, the Archbishop was not in favour of the measure *in toto*. See, for example, Beresford's October 4, 1832 letter to Stanley cited in Brynn, *ibid*, p. 263, which stated his concerns and reservations regarding the measure of reform.

<sup>108</sup>See for example the "Ultra" Duke of Cumberland's letters to The Archbishop dated 18 February 1833 and 27 February 1833 in The Prime Ministers' Papers: Wellington Political Correspondence I: 1833 - November 1834. (Eds. J. Brooke and J. Gandy. London, U.K.: Her Majesty's Stationary Office), pp. 101-2 and 104-6.

progressive element in Cabinet.<sup>109</sup> The Archbishop disagreed with several of the clauses in the bill including those imposing the graduated tax on benefices, and those involving changes to the bishops' leases.<sup>110</sup> But his objections could not stall the progress of the bill.<sup>111</sup> By this time Beresford had become, in many ways, a prisoner of cooperation. The Archbishop could not press his objections too far because he had previously cooperated in the formulation of the Bill and, ultimately, he realised that the Bill was framed for the continued existence and the good of the Irish Church.

The above problems, especially the Cabinet divisions, caused considerable strain on Stanley, as the framer of the measure, and Grey, as Prime Minister. Stanley was forced onto "a tight-rope...on the basic question of Church property", and was forced to offer

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<sup>109</sup>Akenson, op cit, p. 169. Wellington later argued that the actions of the Irish Primate would cause a considerable amount of trouble for the opponents of the bill. Writing to a Rev. G.R. Gleig, 26 February 1833, The Prime Ministers' Papers, p. 93 Wellington opined:

It is impossible for me to say what is to be done with the Irish Church Bill. The Irish Primate has conceded the principle. He has departed from the ground on which he could have maintained a battle; that of the Act of Union.

<sup>110</sup>Viscount Beresford to Wellington, 22 February 1833 enclosing a letter from the Archbishop of Armagh to the Viscount dated 18 February 1833. in The Prime Ministers' Papers, pp. 83-4. Also, Brynn's op cit, p. 263.

<sup>111</sup>Akenson, op cit, pp. 169-71. In his letter to the Viscount Beresford, 18 February 1833, Prime Ministers' Papers, p. 84 the Archbishop wrote "I am confident that my own conduct will be approved by all the friends of the Church."

concessions to his colleagues.<sup>112</sup> Grey was faced with the daunting prospect of holding together such a widely diverse cabinet in order to institutionalise the "promises" of the Great Reform Act.

### III

On the 10th of September 1832 Stanley introduced his plan for Church reform to his Cabinet, a plan "based on the non-alienation of Church property".<sup>113</sup> Stanley believed in order for him to proceed with the difficult task of Irish Church reform a statement of purpose was essential. Stanley attempted to obtain a pledge from the Cabinet that Church property would not be diverted to secular purposes.<sup>114</sup> Such a condition upset some members of Cabinet. The radical wing argued that if the financial changes occasioned by the bill resulted in there being any surplus then said surplus should be put to non-Church purposes. Russell, for one, demanded provision be made for financial support of non-denominational education and others subscribed to the Russell-Durham view that appropriation was "essential

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<sup>112</sup>Brynn, op cit. p. 266 and O. Brose "The Irish Precedent for English Church Reform: the Church Temporalities Act of 1833" in The Journal of Ecclesiastical History (1956, pp. 204-25), p. 218.

<sup>113</sup>The Holland House Diaries, p. 459, n.2.

<sup>114</sup>See the Letter from Althorp to Graham, September 25, 1833, cited in Brynn, op cit. pp. 250-1. Kriegel, "The Irish policy..." p. 35.



[to]...religious equality and social improvement."<sup>115</sup> Stanley lost this initial skirmish and the idea of a cabinet pledge, on the issue, was abandoned.<sup>116</sup>

Stanley next came to the Cabinet with two pieces of legislation, both growing out of the recommendations of the Commons Tithe Committees. Having tested the waters for the boundaries of Whig ecclesiastical reform with his attempt for a pledge on appropriation, the Irish Secretary had developed a plan for a careful and effective reform of the Irish branch of the United Church. This, it was hoped, would avoid splitting the Cabinet and enable the Grey Administration to continue in office. In addition to the Church Bill, Stanley introduced the foundations of the Coercion Acts, showing that the Whigs were not only intent on general reform but were intent upon cracking down on the Irish unrest.<sup>117</sup>

With the Church Bill before Cabinet, Stanley, on the 19th of October 1832, once again attempted to gain a pledge of unity and a commitment to resist any attempts at radicalisation of the measure.<sup>118</sup> Stanley believed that it was important to receive such a pledge given the differing opinions regarding surplus Church property and

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<sup>115</sup>G.I.T. Machin, *op cit*, p. 34.

<sup>116</sup>Machin, *ibid.* p. 34, and New, *op cit.* p. 226.

<sup>117</sup>Le Marchant, *op cit.* p. 445.

<sup>118</sup>Brynn, *op cit.* pp. 260-5, and Kriegel, "The Irish Policy..." p. 36.



to hold the Cabinet on course. This attempt was met with mild disapproval from Althorp and Russell, and more vehemently from Durham.<sup>119</sup> However, the three failed to act in union, and this lack of concentrated action between the three progressives was perhaps a major cause of the "success" of the Stanley-Graham faction.<sup>120</sup> Grey, fearing the growth and potential threat of radicalism in the Kingdom, and realising Stanley's importance as a political figure, attempted to bring the minority in the Cabinet to support Stanley's view on non-appropriation. The Prime Minister was crucial in making the consensus work.

Outmaneuvered, both Russell and Althorp believed they should tender their resignations. Russell, noting that the majority of the Cabinet was opposed to his ideas, expressed his concern and dismay over the condition of Ireland and reiterated his idea that the surplus revenue generated by the financial changes in the bill should be applied to education.<sup>121</sup> In a letter of the same day to Grey, Althorp outlined his view that

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<sup>119</sup>Brynn, *ibid*, pp. 260-5, and Kriegel, *ibid*, p. 36. See also M.D. Condon, "The Irish Church and the Reform Ministries" in The Journal of British Studies (Vol. III, no. 2, May 1964, pp. 120-42), p. 127.

<sup>120</sup>As noted by Kriegel, "The Irish Policy..." p. 36 "Durham had alienated virtually everyone in the government during the past two years and neither Althorp nor Russell would have acted with him".

<sup>121</sup>Russell-Grey, October 20, 1832 cited in S. Walpole, The Life of Lord John Russell (London, U.K.: Longmans, Green and Co.), p. 188-90. For a further amplification of Russell's views regarding Ireland see Walpole, from Russell's writings, October 18, 1833, p. 197 n.1.

"the minority Establishment had no right to its superfluous revenues, which should be devoted to general purposes instead".<sup>122</sup> Althorp also expressed concern about the far-reaching nature of the coercive measures and of the short-falls of the Temporalities Bill.<sup>123</sup>

In his reply, the Prime Minister sympathised and stated that he himself wished to resign:

[b]ut I feel bound not to do so, when the consequences would destroy the Whig Party for ever, to give power, in the first instance, to those whose principles we have always opposed, and eventually perhaps, for such a Government could not last, to produce a subversion of the Government itself...<sup>124</sup>

He agreed that there were definite limits to Stanley's measure but claimed it was an "extensive reform" of the Irish Church, and that the political times called for "the government unit[ing] behind it".<sup>125</sup> Grey's appeals to political reality seemed to mollify the Chancellor of the Exchequer, and he reconsidered his resignation. Althorp, at heart a pragmatist himself, understood the importance of keeping Stanley in the Cabinet, due to the latter's parliamentary skills and

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<sup>122</sup>Althorp to Grey, October 20, 1832 cited in Brynn, op cit. p. 265.

<sup>123</sup>Le Marchant, op cit. pp. 445-7.

<sup>124</sup>Grey to Althorp, October 21, 1832 cited in Le Marchant, ibid. p. 466.

<sup>125</sup>Ibid.

political charisma. The Viscount was also aware of the need to frame a measure of reform which could be carried through the Lords.<sup>126</sup>

Grey made a similar and equally successful case to Lord John Russell:

Without arguing on the soundness of your principle that the emoluments of the Church, being provided for religious instruction, should be proportioned to the situation and numbers of the population by whom that instruction is required, I can only repeat what I have so frequently stated in the course of these discussions, that I cannot entertain a moment's doubt that, if the Cabinet could be brought to your opinion, and should frame a measure on a broad and distinct avowal of that principle, their complete overthrow would be the almost instantaneous result. A dissolution of Government, brought about in this manner, would be no less certainly productive of these consequences which I have already stated, and which you admit than if it were produced by a disagreement and division amongst ourselves.<sup>127</sup>

The Prime Minister clearly believed that the Church Bill was as large a measure of reform as they could hope to carry, and it would bring, despite its limitations, positive results. He warned:

The greatest danger to it would arise from a division amongst ourselves; and, if that division should lead to a breaking up of the

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<sup>126</sup>Kriegel, "The Irish Policy..." p. 37 and Smith, *op cit.* p. 298.

<sup>127</sup>Grey to Russell, October 25, 1832, cited in Walpole, *op cit.* p. 190.

Administration, I need not state to you the certain consequences, of which you seem to be sufficiently aware, of the danger to the peace of Europe, great loss to the character of ourselves, and the absolute extinction of all hope of a moderate and effectual reformation of those parts of the Church establishment which are most felt as real grievances, or most exposed to invidious objections.<sup>128</sup>

Russell received a similar message from Fox, the third Lord Holland. Holland wrote that it would be a severe blow for the Whig Ministry if the mover of the Reform Bill resigned "just at the moment when the manner in which the great experiment would work was about to be tried..."<sup>129</sup> By staying in office, Holland argued, Russell was achieving gradual reform, and "the question you have to decide...is not whether your plan or Stanley's is the right one, but whether Stanley's plan or your resignation, with its consequences, is preferable."<sup>130</sup>

By the end of October 1832, Russell and Althorp, despite harbouring some objections as to the contents of the bill, assented to the presentation of Stanley's bill to the Houses of Parliament. They had placed party and practicality over principle.<sup>131</sup>

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<sup>128</sup>Ibid.

<sup>129</sup>Holland to Russell, October 26, 1832, cited in Walpole, ibid. p. 191.

<sup>130</sup>Ibid.

<sup>131</sup>Russell managed to toe the party line until the Irish Tithe Debate of May 1834 when he "upset the coach."

The other Cabinet rebel, Lord Durham, however continued to agitate for the greater radicalisation of the measure by an extension of the principle of the secular appropriation of Church property. Sensing that he had lost the support of Althorp and Russell,<sup>132</sup> Durham, in mid-November, circulated in Cabinet a document entitled Observations on Stanley's Plan for Reform of the Irish Church, discussing the need for appropriation.<sup>133</sup> While not popular with the Cabinet the paper did bring the question of appropriation into the open, and forced the Cabinet to deal with the issue. Durham's actions naturally angered Stanley who believed that the Cabinet, while agreeing privately to disagree, had decided not to incorporate the principle of appropriation into the Church Bill.<sup>134</sup> Grey concurred in Stanley's analysis of the situation and threw his weight, once again, behind his Irish Secretary. The Prime Minister stated that the abstract principle of appropriation was not part of the measure, and anyone

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<sup>132</sup>It should be noted that while he had lost the support in the Cabinet of the two members that is not to say that they disagreed with his views. It would seem that Althorp and Russell subscribed to the view of party more strongly than Durham.

<sup>133</sup>See Brynn, op cit. pp. 517-8, n. 187 and Machin, op cit. p. 35. Brynn, p. 265, noted that much of the opposition to Durham came from personal and not political considerations. See also New, op cit. p. 223.

Kriegel, "The Irish Policy-" p. 39, n. 2 notes that Stanley responded, on 18th of November, with Stanley's Response to Durham's Observations; and in November Durham responded with Lord Durham's Reply to Stanley's Remarks on Durham's Observations of Stanley's Bill.

<sup>134</sup>Machin, op cit. p. 35 and Kriegel, "The Irish Policy-" pp. 39-40.



who disagreed with the omission of the principle of appropriation should resign.<sup>135</sup> Durham, subscribing to a larger picture of radicalism, did not resign.

However, despite Grey's ultimatum Durham's opposition was not yet ended. Using his influence with other "radicals" outside of Cabinet, indeed outside of Parliament, Durham leaked portions of the bill.<sup>136</sup> As could be expected, such actions caused additional discomfort within the Cabinet, and Stanley concluded that Durham's mischief making must be brought to an end. In a letter to Graham, Stanley stated that "Durham must yield or go".<sup>137</sup> Grey supported Stanley, but encouraged him to "modify" his stance, pointing to the fact of the recent death of Durham's child was a cause of Durham's behaviour. Charitably Stanley gave Durham the benefit of the doubt, and did not pursue the matter further.<sup>138</sup> Grey's political acumen and pragmatism kept the fragile reforming ministry together, and Stanley, despite considerable opposition, was able to continue his development of the Church Bill. Durham ceased to be an effective member of the Cabinet and resigned in March of 1833 on grounds of ill-health.<sup>139</sup>

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<sup>135</sup>*Ibid.*

<sup>136</sup>Brynn, *op cit.* pp. 266-7.

<sup>137</sup>Brynn, *ibid.* p. 270.

<sup>138</sup>Brynn, *ibid.* pp. 270-1.

<sup>139</sup>When Grey resigned his premiership in 1834 many radicals expressed concern and, indeed, outrage that Durham was not included in the new Cabinet. Many felt that Durham's views were more liberal than those who entered the restructured Whig cabinet,



Despite considerable differences of opinion on the principle of appropriation per se, the Administration in toto was willing to accept the changes to the leasing structure of episcopal lands. In Stanley's bill the general prohibition upon the ability of the Irish Bishops to grant leases for any period greater than twenty-one years was lifted. Put into its place was a provision by which the holders of the bishops' leases could demand an extension of their lease in perpetuity. By such a change, it was argued, the value of the lease was increased by its conversion from a life interest into one of perpetuity, thereby providing security for both the bishop and the tenant, and an increase in the rent accruing to the bishop. The Whigs proposed that the leaseholder pay for the benefit given by the change, at the rate of six years purchase, and that the money should accrue to a perpetuity purchase fund which would be used to off-set the financial liabilities occasioned by the Church Bill.

To support their claims, the Whigs used Ricardo's Theory of Rent to justify such a change. The Government, they argued in accordance with the Second Report of the Tithe Committee, was entitled to any benefits of the change in the value of the lease.<sup>140</sup> That having been

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see, for example, The Parliamentary Review and Family Magazine, n.s. I, p. 728.

<sup>140</sup>Halevy, op cit, p. 143.

established, the Whigs further claimed that the increased value of the lease was a parliamentary creation, and was not the property of the Church.<sup>141</sup> Thus the Bill was presented as a measure that would recognise the sanctity of Church property, yet would allow, in principle, the State to access a considerable pool of "secular" money after Church needs had been met. The Cabinet was aware of the significance of the question of secular appropriation of Irish Church property, and dealt with the problem by carefully and explicitly arguing that the principle was not involved in the measure.

While the more "progressive" minority of Grey's Cabinet had been vocal in its opposition to elements of the Bill dealing with the disposal of ecclesiastical property, on most other aspects of the bill there was general agreement. By electing to avoid reaching a decision on the abstract principle of appropriation, and avoiding inclusion of the principle in the bill, a pragmatic unity of sorts had been restored. Given the state of actual unrest in Ireland and parts of England and of the perception of further, and more wide-spread, socio-political unrest in the rest of the United

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<sup>141</sup>For an expansion of this argument see J. Mokyr, Why Ireland Starved: A Quantitative and Analytical History of the Irish Economy, 1800-1850 (London, U.K.: George Allen and Unwin, 1983), p. 85. See also Blackwood's Edinburgh Magazine, March 1833 arguing against Ricardo's economic views.

Kingdom, it was important that the Grey Administration enter the general election of December 1832 with a modicum of unity vis-a-vis the reform of the Irish Church. The Whigs had to show the electorate that they would be capable of forming an effective, reform-minded ministry. Therefore, the Whigs faced the election committed to Irish Church reform, and with an embryonic bill that neither affirmed nor denied the right of Parliament to undertake the secular appropriation of Church property. As far as the Whig Cabinet, including Stanley, was concerned there was not even a whisper of appropriation in the Church Bill planned for introduction into Parliament.

CHAPTER THREE: THE REFORMED HOUSE OF COMMONS  
AND THE IRISH CHURCH (TEMPORALITIES) BILL.

The Cabinet, due to the ability and willingness of its members, particularly Grey, had papered over the cracks in unity and the fragile administration held together. Because of this unity, Stanley was able to develop a policy of conservative, gradual yet considerable reform of the Church of Ireland. However, while the Cabinet had developed a policy of gradual reform for the Irish Church, the bill had to be introduced into the first reformed House of Commons. There, a significant progressive-Whig and radical element might be disappointed with the ostensibly limited extent of the measure. This problem was compounded by the presence of a Tory majority in the House of Lords. This recidivist majority, opposing many of the extensions of reform, was certainly capable of defeating the ecclesiastical measure.

This chapter will discuss the political and parliamentary milieu into which the Irish Church (Temporalities) Bill was introduced, will note the impact of limitations on the scope of action of both the Whigs and the Tories and will trace the difficulties

faced by the Administration attempting to secure passage of an effective, sustainable yet conservative measure of ecclesiastical reform. It will show that although a number of expectations or fears regarding appropriation were placed upon the bill, these definitions were externally imposed and were views which the Ministers consistently denied.

The Chapter will argue that although the Whigs had to operate in this milieu, and had to face criticism from the opposition for their failings within these externally imposed parameters of action, that they did not deviate from their oft articulated principles. Falling short of other people's expectations does not necessarily mean failure, and it is in reference to the Whig agenda itself that the results of the Grey Administration in 1833 must be judged.<sup>142</sup> Rather than expecting too much from the Whigs in terms of radical reform, the expectations should be framed with reference to the concept and programme of gradual, conservative reform for the renewed efficiency and continued existence of institutions.

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<sup>142</sup>A point made throughout the work of the Whig Ministers' The Reform Ministry and the First Reformed Parliament, (3rd Edition, London: James Ridgway and Sons, 1833).

The General Election of December 1832, the first since the passing of the Great Reform Act, returned a large contingent of reforming M.P.s. Lord Mahon estimated that there were 150 Tories, 320 Whigs and approximately 190 radicals, elected by the newly enlarged electorate significantly changing the dynamics of the Lower House.<sup>143</sup> Given the difficulty of applying concrete party designations to many M.P.s during this period, Mahon's estimate was probably incorrect,<sup>144</sup> however, a large reforming element in the House of Commons was undeniable. The strong support for reform, coupled with the popularity of the Whigs, won with the passage of the Reform Bill, meant that a large amount of new legislation was expected from the Administration. It

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<sup>143</sup>See the letter of Lord Mahon to Peel, dated January 8, 1833 cited in Sir Robert Peel: From his private papers. (Ed. C.S. Parker. London, U.K. John Murray, 1899), pp. 209-11. For a list of the members of both the House of Lords and of the House of Commons see 3 Hansard, XV. It is also useful to consult "The Legislative Recorder" in The Parliamentary Review, I, 1833 pp. 31-5 for a listing of the M.P.s and their "party" designations - Conservative, Whig and Liberal. However, it should be kept in mind that given the relative fluidity of "parties" in the early 1830s the initial designations assigned to M.P.s may not always be correct.

<sup>144</sup>Blackwoods Edinburgh Magazine, in January 1833, p. 115, argued that 2/3rds of the new M.P.s belonged to the "Revolutionary Party", and in February 1833, p. 224, estimated that the new House contained 284 decided Whigs, 100 wavering Whigs, 145 Conservatives and 127 Radicals, leaving the House two short. The Birmingham Journal, January 19, 1833 and The Times, January 7, 1833 wrote that there were 514 reformers elected, from both the Radicals and the Whigs. The Guardian, January 19, 1833 wrote that 38 repealers, 476 reformers and 144 Tories had been elected. As an aside, it is interesting to note that the radical The Westminster Review, April 1833, p. 496, argued that the prospects for meaningful reform were not good as there were over 500 Tories and Whigs. "500 men of aristocratic prejudices hating to the back-bone the Radicals, personally and in their purposes".



was within this context that the Whigs had to formulate and, more importantly, implement an effective and sustainable policy of reform - a policy of which the Irish Church measure, albeit important, was just a part.

The 658 M.P.s gathered in the tiny Chapel of St. Stephen, on February 5th, 1833 to listen to the King's Speech, which outlined the principal aspects of the Whig agenda for the upcoming session. The Speech, while including points regarding the conditions of Portugal, Holland and Belgium, and mentioning plans for changes to the Bank of England Charter, and reforms to the East India Company was, for the most part, concerned with the condition of Ireland and with ecclesiastical reform.<sup>145</sup> In addition to plans for changing the structure of the tithe and for the pacification of unrest in Ireland, the King discussed the need for a reform of the Irish Church.

The modifications included making provision for changes to the institution's financial and administrative structure and providing for "a more equitable and judicious distribution" of its revenues.<sup>146</sup> It is important to note that the word used in the Speech was "distribution" which, without being too specific, could appeal to most members of the House in one way or another. The cautious use of the word "distribution" was

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<sup>145</sup>3 Hansard, XV, 86ff.

<sup>146</sup>Ibid, XV, 88.

followed by the promise that the Church of Ireland, despite Article V of the Act of Union, was to be given separate consideration from the Church of England in subsequent legislation.<sup>147</sup> By detaching consideration of the Irish branch of the United Church from that of the English branch, Grey attempted to free himself from the charges that the Church Bill would serve as a precedent for reform of the English national Church. Additionally, the issue of ecclesiastical reform was placed in a separate, yet by no means mutually exclusive, category, rather than being part of a strictly "condition of Ireland" question. This justified the actions of the Ministers during the passage of the Church Reform measure. The King's Speech made it clear that the church reform was for the institution itself, and not for Ireland. The cautious use of "distribution" and the policy of separate consideration showed how much the Whigs were willing to avoid problems of principle in their quest to effect meaningful and sustainable change.

As would be expected, the legislative programme announced by the King aroused considerable interest in both Houses. The subsequent debates were lively and foreshadowed those on the Church bill. Whigs, radicals and Tories expressed their opinions on reform, with the

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<sup>147</sup>*Ibid*, XV, 88-9. As noted in the previous chapter, the use of separate consideration was first suggested by Lord John Russell during the Cabinet development of the Bill.

House of Commons enjoying the additional spice of the Irish radicals. Although the King's Speech contained a number of points not related to Ireland, debate on the Speech was centred not on reform in toto but on things Irish.<sup>148</sup> This was in a large part due to the impassioned pleas of Daniel O'Connell. He argued that the Irish had expected the newly elected and reformed House of Commons to redress their ancient grievances, yet the Speech made it clear that their hopes had been misplaced.<sup>149</sup> However, O'Connell's opposition to the measures of reform was of little concern to Ministers who realised that, politically, the Whigs could not bend towards the Irish Radicals.

In both Houses, Whig ministers found themselves articulating the principles behind their agenda of reform. In the Upper House, the Prime Minister said that while he believed in the necessity of Irish ecclesiastical reform, he believed that said reform had to be undertaken on conservative principles to provide for the survival of the institution.<sup>150</sup> This point was made more explicitly by Earl Grey, when speaking to a

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<sup>148</sup>A number of M.P.s offered their own views as to the solution to the "Irish problem." For some examples, see ibid, XV, 179-209. Suggestions included the argument that the Church of Ireland was responsible for the unrest and that changes ought to be made, the need for both a labour rate and a poor law, the need for a secular appropriation of church property, a tax on absentee landlords, and the provision for poor relief out of the revenues of the Established Church.

<sup>149</sup>Ibid, XV, 148-76.

<sup>150</sup>Ibid, XV, 123.

motion from Lord King regarding church reform. Then, he remarked that any scheme of church reform would be for the sake of the institution itself "making it more respectable, and placing it completely in safety as far as that could be done by Legislative measures."<sup>151</sup> In the House of Commons, Lord John Russell, the quintessential "party man", in response to a radical suggestion supporting the idea of the secular appropriation of church property,<sup>152</sup> objected to the suggestion as one of spoliation,<sup>153</sup> notwithstanding the fact that he himself had held a similar view in Cabinet. Russell's ability to put party discipline above his own views reflects the ability of the Whigs to keep the control of ecclesiastical reform out of the hands of radicals.

Sir Robert Peel rejoined for the "moderate" Tories in Parliament. Although he admitted that he disagreed with any measure of church spoliation, he agreed he could support a provision for a different distribution of property within the Church.<sup>154</sup> This view is an important indication of the willingness of some Tory M.P.s and indeed Lords, to accept reforms as long as they were based on "conservative principles." Much has

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<sup>151</sup>*Ibid.*, XV, 305-6.

<sup>152</sup>A suggestion made by Mr. Harvey, see *ibid.*, XV, 281-2.

<sup>153</sup>*Ibid.*, XV, 283.

<sup>154</sup>*Ibid.*, XV, 369.

been made of Peel's role in this function.<sup>155</sup> But more credit must be given to the Whigs, especially Grey and Stanley, for their ability to harness the support of moderate Tories, especially in using Peel's influence with the Wellington faction in the Lords,<sup>156</sup> which was instrumental in the eventual passage of the Church Bill.

The King's Speech had identified the major concerns and objectives of the Administration, and Parliament then began its work on the Whigs' agenda.

## II

But before the Ministers could embark upon specific reforms, both inside and outside Ireland they had to stem the rising tide of anarchy in Ireland.<sup>157</sup> The Whigs wanted to stop the Irish unrest, as shown by the Coercion bill, but they also wished to reform other aspects of Irish society. Stanley said, in reference to the Coercion measures that "[t]he Government was fully pledged to remedial as to other measures" but they had

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<sup>155</sup>See, for example M.D. Condon, "The Irish Church and the Reform Ministries" in The Journal of British Studies (Vol. III, no. 2, May 1964, pp. 120-142), p. 130.

<sup>156</sup>D. Large, "The House of Lords and Ireland in the age of Peel, 1832-50" in Irish Historical Studies (Vol. IX, 1954-5, pp. 367-99), pp. 373-4.

<sup>157</sup>For a litany of the violence, see Stanley's speech in the House of Commons, on February 5, 1833, 3 Hansard, XV, 185 ff. See also Grey, ibid. 733.

As previously noted the Report From the Select Committee On Tithes in Ireland H.C. 1831-32 [177] xxi brought the condition of the tithe agitation to the attention of Parliament.



to have the ability to "enforce the policy".<sup>158</sup> Although the government was pledged to stand or fall by both coercive and remedial measures, this did not mean a pari passu passage of the measures.<sup>159</sup> It was not a policy of coercion and concession. These reforms were based on two different principles. One was to placate Irish unrest, as can be seen from the changes to the structure of tithe and the expansion of rights to Roman Catholics. The second principle to be applied was reform for constructive purposes, and it is in this latter category that Church reform should be placed. In order to stop the sporadic anti-tithe violence in some Irish counties, the Whigs introduced the "coercive measures", referred to by Grey as an "unfortunate necessity"<sup>160</sup> and by O'Connell as "the project of Ministerial despotism",<sup>161</sup> into the House of Lords on February 15, 1833. It was quickly passed and moved into the Commons on February 22nd, 1833.<sup>162</sup> The coercion measure received speedy

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<sup>158</sup>The Morning Chronicle, February 23, 1833.

<sup>159</sup>See Stanley's May 6 speech arguing against O'Connell's interpretation of the pari passu nature of the measure, 3 Hansard, XVII, 1077.

<sup>160</sup>The Reform Ministry and the First Reformed Parliament, p. 7.

<sup>161</sup>O'Connell to P.V. Fitzpatrick, Feb. 17, 1833 in The Correspondence of Daniel O'Connell (Ed. M.R. O'Connell. Dublin: The Irish Manuscripts Commission, 1977), Vol. V, p. 9 document#1956.

<sup>162</sup>The Irish Coercion Act, 3 Will. IV, c. 4. The bill was "for the more effective Suppression of local disturbances and Dangerous Associations in Ireland." The Times, February 19, 1833 wrote that "[p]ublic opinion seems pretty well decided as to the necessity of employing some new and more powerful instrument of putting down the wholesale anarchy in Ireland."



passage and became law on April 2, 1833.<sup>163</sup> Once peace was restored the Whigs could then turn their attention to other matters including Irish ecclesiastical reform.

### III

Because of Stanley's departure from the Chief Secretaryship of Ireland to replace Goderich as the Secretary of State for the Colonies,<sup>164</sup> the task of introducing the Irish Church (Temporalities) Bill fell to the Whig House Leader and the Chancellor of the Exchequer, Viscount Althorp. He introduced the bill into the House of Commons on February 12, 1833.<sup>165</sup> The bill effected far-reaching reforms in both the financing and

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<sup>163</sup>According to The Reform Ministry and the First Reformed Parliament, p. 8 the provisions of the Coercion Bill were only applied to one county in Ireland. The Act was put into force in the County of Kilkenny, on the 10th of April, 1833.

<sup>164</sup>Littleton, who was eventually to replace Hobhouse as the Chief Secretary of Ireland, wrote that Stanley was given a new position "because he is hated by the Irish." Littleton's comments were cited in A. Aspinall, Three Early Nineteenth Century Diaries (London, U.K.: Williams and Norgate, 1952), p. 316.

See also The Parliamentary Review and Family Magazine, II, p. 333 ff.

<sup>165</sup>Viscount Althorp gave notice of motion for the Irish Church (Temporalities) Bill on February 12, 1833, however its introduction to the House of Commons was delayed until May 6, 1833 due to a procedural manœuvre made by a Tory M.P. Mr. C. Wynn. Mr. Wynn argued that as the bill contained changes to a tax, the bill ought to arise out of a Committee of the Whole House. Having searched for precedents, the Whigs introduced three resolutions which they felt would overcome the Tory procedural objections to the measure. However, this delay was particularly unfortunate given the speedy Parliamentary passage of the coercion measures, which many felt, despite the objections of Ministers, were to be passed pari passu with the bill for Church Reform.

the structure of the Irish Church.<sup>166</sup> It made provision for the abolition of the functionally inefficient Board of First Fruits, and its substitution by the proceeds of a graduated tax of up to 15% on the value of benefices—both parochial and episcopal. The measure also allowed for the abolition of the "obnoxious" Vestry Cess, and for the suspension of livings in which divine service according to the rites of the Established Church had not been celebrated for three years.<sup>167</sup> The legislation further created the "union" of ten bishoprics, resulting in there being twelve rather than twenty-two episcopal officers in the Irish Church.<sup>168</sup> In order to deal satisfactorily with the revenue arising from the above changes, and to provide a body for the financial superintendence of the Church, a Board of Ecclesiastical Commissioners was created.<sup>169</sup> In addition to the above

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<sup>166</sup>For specifics of the measure please see: 3 and 4 Will IV., Cap. XXXVII, A Bill to Alter and Amend the Laws Relating to the Temporalities of the Church of Ireland. H.C. 1833 [59] i, and H.C. [210] i.

An abstract of the act was also published in The Morning Chronicle February 13, 1833 and The Times, March 12, 1833.

<sup>167</sup>See An Account of all Benefices in Ireland in which Divine Service, according to the Forms of the United Church of England and Ireland has not been celebrated within the Three years ending 12th February 1833 H.C. 1833 [399] xxvii.

<sup>168</sup>Hansard, XV, 572-3. The ten episcopal units—eight bishoprics and two archbishoprics—were listed in Schedule B of the Bill. The suppression of the bishoprics is commonly held to be the cause of Keble's Sermon on National Apostasy, commonly held to mark the beginning of the Oxford Movement.

<sup>169</sup>Ibid, XV, 571-2.

See also The First Report of the Ecclesiastical Commissioners under the Act 3 and 4 Wm IV relating to the Temporalities of the Church in Ireland H.C. 1835 [113] xxii, dated 9th August 1834. On the first of August 1834, the Board had to its credit the sum of

modifications, there was another aspect of the bill which caused considerable interest. This change dealt with the financial proceeds arising from alterations made to the tenure of episcopal leases.

The preamble to the bill outlined the premises and principles which "may conduce to the advancement of Religion and the efficiency, permanence and stability of the United Church of England and Ireland".<sup>170</sup> Furthermore, it read:

...whereas the tenure by which Church lands are held in Ireland is inconvenient, and it is expedient to alter the same in such manner as may tend to the ease and security of the Church, and to the advantage of the Persons holding thereunder...<sup>171</sup>

No mention was made of the disposition of the proceeds of the change, indicating that appropriation was not a major principle of the measure. Clearly the Whigs did not intend the Houses of Parliament to debate the "great principle".

When introducing the bill, Althorp spent considerable time outlining the positive features of the reform. After discussing the financial condition of the Church, which he believed suffered from popularly exaggerated ideas as to its wealth, Althorp turned his

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£15,852 13s. 2d. "including the cash balance of the late Board of First Fruits"-hardly a hefty sum given the Board's liabilities.

<sup>170</sup>H.C. 1833 [59] i, p. 1.

<sup>171</sup>Ibid.

attention to the extent of the Church's land holdings. Although, he admitted, the institution did have nominal control over a considerable amount of land in Ireland, it did not enjoy "the whole of the beneficial interest in the land." In fact the institution enjoyed only one-sixth of its value, approximately £100,000 per annum,<sup>172</sup> due in large part to inefficient management.

The Chancellor of the Exchequer then turned his attention to the leases held on episcopal lands. He noted the existing leasing problems, and outlined Whig plans for changes to the tenure of the leasehold. The tenant would be allowed to purchase the perpetuity of his lease, with the fund arising from these changes being disposed of by Clause 147. It was this seemingly innocuous clause which caused a great deal of bother for Grey's Administration.

The clause is found between clauses relating to tenant-sub tenant relations.<sup>173</sup> It read:

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<sup>172</sup> Hansard, XV, 567.

<sup>173</sup> D. H. Akenson, in The Church of Ireland. Ecclesiastical Reform and Revolution. 1800-85, (New Haven, Conn.: Yale University Press, 1971), p. 175 wrote "...clause 147 was apparently added to the bill as something of an afterthought. (The clause is not found in the first printing of the Bill)." However, this point is disputed by A.D. Kriegel in his notes to The Holland's Diaries, 1831-40 (Ed. A.D. Kriegel. London, U.K.: Routledge and Kegan Paul, 1977). Kriegel writes, p. 459, n.2, that the clause was in the original printing of the Bill, but was listed as Clause 142 rather than Clause 147.

It is possible to argue that the placing of the Clause in such an obscure place was a sign of Machiavellian politics, that the Government wanted to implement significant and radical changes by clandestine methods, but it is equally plausible, and more probable that the Whigs did not consider the clause to be significant.

...And be it enacted, That all monies which shall accrue to the credit of the said Commissioners under this Act in the Perpetuity Purchase Fund Account hereinbefore directed to be opened in the books of the Bank of Ireland, shall be applied to and upon the purposes hereafter mentioned: (that is to say) in the first place to pay or replace all sums of Money charged or chargeable on any parish, union, chapelry or place, for the purposes of building, rebuilding, enlarging or repairing any church or chapel of any such parish, union, chapelry or place, to be raised thereof by vestry assessment, whether such sums shall have been lent or advanced by the Trustees and Commissioners of First Fruits in Ireland, or otherwise; and the surplus of the said Monies accruing to the credit of the said Commissioners shall be applied to such purposes as Parliament shall hereafter appoint and direct.<sup>174</sup>

The last section of the Clause caused considerable interest, as it gave Parliament a role in the disposal of what some would consider Church property, but its importance sank dramatically once framed within the context of the financial liabilities occasioned by the initial section of the clause.<sup>175</sup> The Morning Chronicle argued that there would be no surplus for a long time,

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<sup>174</sup>H.C. 1833 [210], i. p. 78.

<sup>175</sup>According to Church Temporalities (Ireland) Act. Return to an Order of The Honourable House of Commons H.C. 1835 [in 169] xlvii, return #6, pp. 3-4, the Fund would be equal to its liabilities by February 1853, with the Perpetuity Purchase Fund reaching its maximum in August 1873. The debt on the Fund occasioned by the shortfall of its assets against its liabilities, a sum of £412,382 9s. would be paid off twenty years from February 1853. By that time the Church of Ireland had been disestablished.



as the money raised via the changes would be used to meet church purposes.<sup>176</sup> The Board of Ecclesiastical Commissioners was in a position to assess the financial needs of the Church of Ireland, and given the pro-Church composition of the Board it would always be able to find church-related requirements for the perpetuity purchase fund.<sup>177</sup> But whether or not there was an actual surplus, the "admission" of a principle was held to be of considerable importance.<sup>178</sup>

Althorp, realising that he had to be careful and precise, repeatedly assured the Commons in his opening comments that the bill neither affirmed nor denied that principle, an assertion which was to be repeated during the debate in the Committee on clause 147. The House leader noted that the changes occasioned by the act gave a new value to the lease. As the State had created the "new value", Althorp argued that the State was therefore entitled to a fair share of the increased value - hence the final sentence of the clause. The Government was not expropriating Church property, but was harvesting the

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<sup>176</sup>The Morning Chronicle, July 2, 1833. See also H.C. 1835 [113] xxii and H.C. 1835 [in 169] xlvii return #6, pp. 3-4.

<sup>177</sup>Akenson, op cit, p. 175.

<sup>178</sup>Akenson, ibid, p. 175.

See also O.J. Brose, "The Irish Precedent for English Church Reform: the Church Temporalities Act of 1833" in The Journal of Ecclesiastical History, (1956, pp. 204-25), pp. 219-20 where she wrote "the catch was later to prove to be the providing for Church needs first...[i]n this respect Radical fears about Ecclesiastical Commissioners were not far-fetched, for naturally both the Irish and the English ones were utilized to extend the sphere of the Church's operations rather than to provide the State with any evidence that Church revenues were too extensive."



fruits arising from a parliamentary re-valuation of episcopal leases.<sup>179</sup> As such, the Whigs argued, some would say with a touch of sophistry, that the Government was only assuming a portion of the newly improved value, and was not appropriating property qua Church property.<sup>180</sup>

He stated:

it is not proposed to diminish in the slightest degree, the just incomes of the Bishops derived from this source; but to enable any Bishops' tenant who chooses to demand it, to have a perpetuity of the land which he now occupies at a fixed corn rent.<sup>181</sup>

In order to expedite transactions, a formula was developed. The tenant could acquire the perpetuity of his lease by buying a number of years purchase of the beneficial interest of the lease, with Althorp suggesting that six years' purchase would be fair. By this procedure the bishop would still be assured his rent,<sup>182</sup> and the tenant would enjoy the obvious benefits of a lease held in perpetuity as opposed to twenty-one years. The proceeds of the sales would accrue to a perpetuity purchase fund, with the excess funds above

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<sup>179</sup>3 Hansard, XV, 574.

<sup>180</sup>Stanley, *ibid*, XXIV, 38-9, later noted, during the debate on Ward's Church Motion in 1834, that Clause 147 did not confiscate Church property but the value of property that had been created by the State, which he continued to argue was applicable to the purposes of the State.

<sup>181</sup>*ibid*, XV, 574-5.

<sup>182</sup>The security of rent was an issue of great importance given that some felt that the "anti-tithe" agitation could spread to "anti-rent" agitation.

and beyond the needs of the church being "placed at the disposal of parliament."<sup>183</sup>

He was not quite sure how much money would be raised but "whatever the amount gained...[would] be acquired with great advantage to the tenant, and without injury to the Bishop".<sup>184</sup> However, The Times calculated that if all leaseholders choose to purchase the perpetuity a sum of £3 millions would go to the fund.<sup>185</sup> The paper based its calculation on the premise that the Church of Ireland enjoyed one-sixth of the beneficial interest of its land, a sum of £100,000 per annum. Therefore the five-sixths of the beneficial interest enjoyed by the leaseholders was worth approximately £500,000 per annum. Using Althorp's term of six years purchase multiplied by the £500,000 beneficial interest a sum of £3 millions was reached.<sup>186</sup>

After discussing the benefits and the changes initiated by the bill, Althorp turned his attention to appropriation. He argued that the bill did not lay down

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<sup>183</sup> Hansard, XV, 574-5.

<sup>184</sup> Ibid, XV, 574-5.

<sup>185</sup> First Report of the Ecclesiastical Commissioners under the Act 3 and 4 Will. IV relating to the Temporalities of the Church of Ireland H.C. 1835 [113] xxii, pp. 8-9, noted that only six tenants had completed the purchase of the perpetuity of their lease, and 100 applications were under consideration.

<sup>186</sup> The Times, February 13, 1833. This figure was also quoted in Cobbett's Magazine, March 1833, p. 172 and The Birmingham Journal, February 16, 1833.

However, after all the political smoke had died down H.C. 1835 [in 169] xlvii, return #7, p. 3-4, noted that "the Sum which may be expected to be realised by the purchase in perpetuity of the Bishops' leases would be between £1,200,000 and £1,507,050" a figure far-short of the oft-cited £3 millions.

any principle on the subject: the matter was left open for another Parliament to decide, once the needs of the Church had been met:

Indeed it is not necessary now to decide whether Parliament has or has not a right to interfere with Church property...[t]he effect of such a call would be only to delay and obstruct the progress of a practical and necessary Reform...The plan which I have now detailed to the House is what his Majesty's Ministers feel themselves justified in proposing at present, without meaning to preclude Parliament from considering the future appropriation of Church property to other purposes than those of the Church...The question will be left perfectly open. All we have in view on the present occasion is to submit a practical proposition for a practical amendment of the law.<sup>187</sup>

He assured the Commons that the Church bill was just one part of a measure of Church reform, and that other bills would be introduced in reference to other modifications and reforms as required.<sup>188</sup>

Althorp's introduction reflected the lengths to which the Administration went to avoid the taint of appropriation. The Government realised that the 147th Clause might be considered as giving sanction to that principle, therefore they explicitly denied that this was the case. The Government genuinely believed that the

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<sup>187</sup>3 Hansard, XV, 576.

<sup>188</sup>Ibid, XV, 575-6.

financial proceeds accruing to the state were the result of a creation of new value.

Throughout the course of the debate, the Whigs attempted to direct the focus of the debate and argued that the measure was not primarily for Ireland, but was for the strength and stability of the Church of Ireland, an important point when framing the scope of the bill.<sup>189</sup> Minsters, the House was told:

...merely proposed to have such a fresh distribution of the revenues of the Church, as would add to its efficiency, and thereby to the respect to which it would be regarded by the nation at large...[and] to effect a more equal distribution of Church property.<sup>190</sup>

Stanley stated that he was a strong supporter of the Established Church in Ireland,<sup>191</sup> and that he would not have been party to any measure designed to do it harm. The bill before the Commons would "strengthen the Protestant ascendancy" in Ireland.<sup>192</sup> In reference to

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<sup>189</sup>During debate on clause 32, a clause dealing with the reduction in the number of Irish episcopal officers, responding to Tory charges, (see for example Shaw, *ibid*, XVIII, 935-40 and Gisbourne, *ibid*, 945-7, who both argued that the measure was a concession to Irish Roman Catholics and would weaken the Established Church,) Stanley, *ibid*, XVIII, 942, argued that the primary objective of the Church Bill "was to uphold and support the Church of Ireland, by removing those blemishes and defects which only tended to disfigure and weaken it." A point seconded by more progressive members of the Cabinet see, for example, Viscount Althorp, *ibid*, XVII, 46, and Russell, *ibid*, XVI, 1407.

<sup>190</sup>*ibid*, XVIII, 943-4.

<sup>191</sup>As shown by his defence of the inviolability of Church property during debate on Hume's motions in 1824 and 1825.

<sup>1923</sup> *Hansard*, XV, 611.

appropriation, he admitted that the Cabinet was divided, but agreeing to disagree on the abstract principle, the Cabinet supported the Temporalities Bill as it provided for considerable reform of the institution without deciding either way on an abstract point.<sup>193</sup> Stanley expanded on aspects of Althorp's introduction. He explained that the changes made in the leaseholder's tenure were to ensure that there was full enjoyment of the tenant's investment in the land, by the creation of a new value by the granting of the perpetuity. He again emphasised that with the new valuation of the land, the Irish Church was not entitled to the surplus of the fund, and such surplus could be applied to non-Church purposes, "without any violation of the property of the Church."<sup>194</sup>

During the second reading of the bill, on May 6, 1833, Stanley further elaborated upon Whig thinking behind Church reform. He argued that the real friends of the Church had framed the measure for the institution's survival, and as its friends they had the duty and responsibility to acknowledge its abuses and reform as best they could.<sup>195</sup> In reference to church property he said:

[h]e would abide by what he had formerly asserted, that it was not

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<sup>193</sup>*Ibid.*, XV, 612-3.

<sup>194</sup>*Ibid.*, XV, 612.

<sup>195</sup>*Ibid.*, XVII, 979-80.



desirable that the property of the Church should be diverted to other than ecclesiastical purposes. The question that he wished the House to consider was whether the property to which the Bill was going to divert was the property of the Church or not.<sup>196</sup>

He then entered into a discussion of the bishops' leases, rents and fines and argued that the tenant receiving the security of the perpetuity, by the bill, should be willing to pay for that security. Because of the general statutory limitation of twenty-one years on the granting of bishops' leases, he argued that only the Legislature could make the required changes, "and for that enfranchisement the State was entitled to demand a remuneration."<sup>197</sup> The value "created" belonged neither to bishop nor tenant. After discussing the reduction in the number of Irish bishoprics, Stanley admitted that there were risks in reform, but that there were even greater risks in not reforming the institution.<sup>198</sup>

The Administration, in all stages of the Bill's development, went to great lengths to avoid the measure containing even a whisper of appropriation. And then realising the definitions given to the clause by both wings of the opposition, the Whigs further articulated their understanding of the intent and nature of the clause. Ministers argued that the proceeds arising from the sale of the perpetuity of the lease were never the

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<sup>196</sup>*Ibid*, XVII, 981.

<sup>197</sup>*Ibid*, XVII, 982-3.

<sup>198</sup>*Ibid*, XVII, 982-6.



property of the church, being, instead, the result of the creation of a "new value". In order to support their assertion the Government used David Ricardo's Theory of Rent. Halevy, in his analysis of the measure, wrote

[a]ccording to this theory, the State may confiscate every increase of the net produce of an estate when it is not the result of the landlord's or tenants labour, but entirely the creation of society, without doing any injury to the tenant or giving the landlord any just cause to regard himself as wronged.<sup>199</sup>

Therefore, following this logic and given the Cabinet genesis of the measure, the creation of a new value clearly avoided appropriation.

However, neither the Tories nor the radicals agreed with the Ministers' definition of the inoffensive nature of the clause, and the Government watched as a new definition was applied to the Clause. Members of the opposition, and elements outside of Parliament, argued that a prime feature of the bill was that it recognised the appropriation of ecclesiastical property.

Radicals stated that the chief importance of the measure was that it recognised the right of parliamentary interference with temporal components of the Established Church in both Ireland and, perhaps more importantly, England. Despite his earlier support for

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<sup>199</sup>E. Halevy, A History of the English People in the Nineteenth Century-Volume III: The Triumph of Reform, 1830-41, (London, U.K.: Ernest Benn Ltd., 1950 [2nd revised edition]). p. 143.

the measure, perhaps realising that support of Whig reform would place him in an awkward political position, Daniel O'Connell expressed his disappointment with the bill on the whole, as it failed to deal with the tithe, and left the Church a burden upon the Irish. The only aspect of the bill which had any merit was that it admitted "a control by Parliament over Church property, and that, once admitted, it might lead to ulterior and highly important consequences."<sup>200</sup> William Cobbett, the radical journalist and unpredictable M.P., argued that the measure was at best a cosmetic change.<sup>201</sup> The more methodical and systemic radical Joseph Hume said that the bill before the House failed to satisfy either side in the House, and the Whigs should bring in a new measure of ecclesiastical reform, preferably in line with "public opinion". He also expressed the common radical argument that established church property was public property.<sup>202</sup> The Times, initially spoke well of the plan<sup>203</sup> but upon "sober second thought" the Thunderer wrote, in reference to the bill's avoidance of poor

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<sup>200</sup> Hansard, XVII, 1140-3.

See also O'Connell to P.V. Fitzpatrick, February 15, 1833 cited in O'Connell Correspondence Vol. V. p. 8 document #1955a.

<sup>201</sup> Cobbett's Magazine, March 1833 p. 173.

<sup>202</sup> Hansard, XVII, 1152-3.

Messrs Gillon and Rippon moved a motion on May 20, 1833, arguing that the revenues of the Church of Ireland should be given to purposes of general utility. The motion, however, was defeated 16-126, which showed the impatience of the House of Commons with truly radical measures of reform. See ibid, XVII, 1381-5.

<sup>203</sup> The Times, February 13, 1833.

laws, tithe and education that the "reforms, therefore, which it omits are of far greater magnitude than those which it aims at embracing."<sup>204</sup> Finally, The Morning Chronicle, a Whig-leaning journal, was critical of the bill as it was too conservative a measure.<sup>205</sup>

The opinions expressed by the radicals and the pro-Whig press were, however, of limited importance to the passage of the bill, but the opposition of the Tories was not. The radicals in the Commons could only be a minor nuisance to the bill's passage, the Tories, with their majority in the Lords, could defeat the measure. Seeing the bill as a precursor of future legislation, the Tories argued the principle of appropriation, which they feared was contained in the bill, was not only dangerous for the Irish Church, but also bode ill for the Church of England specifically and for all species of property generally.

Within the general principles of their opposition, the Tories offered specific criticism of the Church Bill. Many Tories argued that if the bill was to strengthen the Church of Ireland, as Ministers suggested, the corpus of the measure did not bear out that promise. Some of the more general and common criticisms of the measure were that: it violated one of the fundamental articles of the Act of Union, it would

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<sup>204</sup>Ibid, March 13, 1833.

<sup>205</sup>The Morning Chronicle, February 12, 1833.

undermine the faith of the Irish Protestants in the Legislative Union with England, it was a dangerous precedent for the Church of England, and it set a dangerous precedent to all species of property.<sup>206</sup>

Peel had emerged as the leader of realistic, post-Reform Act Toryism. As its spokesman, he argued that although he saw the necessity of some reform of the Irish Church,<sup>207</sup> giving as an example the abolition of the Vestry Cess,<sup>208</sup> he was displeased with the provisions of the Temporalities Bill. The changes he most disliked were the "union" of the ten bishoprics and the proposed modifications to the episcopal leases.<sup>209</sup> He claimed to be especially disturbed by Althorp's "alarming doctrine" of the creation of a new value on the lease, and the distribution of the proceeds via Clause 147. Peel argued that this change would admit both the practice and principle of appropriation, and would serve to undermine

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<sup>206</sup>See for example Lefroy 3 Hansard, XVII, 1127-31 and French, ibid 1132-9.

See also Blackwood's Edinburgh Magazine, April 1833, p. 574-655, with the journal arguing that the bill proposed to confiscate Church property as had happened during the French Revolution.

<sup>207</sup>See the letter of The Earl of Rosslyn to the Duke of Wellington, dated 12 March 1833 in The Prime Ministers' Papers: Wellington Political Correspondence I: 1833 - November 1834 (Eds. J. Brooke and J. Gandy. London, U.K.: Her Majesty's Stationary Office), pp. 115-17.

<sup>208</sup>Although Peel agreed with the abolition of the Vestry Cess, he disagreed with the imposition of a graduated tax on benefices in lieu of the cess. He argued that the costs of the abolition of the Cess could be recovered out of the proceeds arising from the changes made to the bishops' lands, 3 Hansard, XVII, 999.

<sup>209</sup>Ibid, XV, 598-605.

the sanctity of all species of property.<sup>210</sup> He noted that he was not so much concerned with the changes in the tenure of the leases themselves, but, rather with the alienation of the financial proceeds of said changes from the Church itself.<sup>211</sup> During the bill's second reading, he argued that the improved value of the lease belonged not to the State, but to its original owner - the Established State Church. He accepted that that the financial benefits arising from sales of the perpetuity should not accrue to individual bishops or tenants, but to the Church.<sup>212</sup> Peel stated that prior to the imposition of the legislative twenty-one year ceiling on the granting of episcopal leases, bishops had the right to grant leases for "indefinite periods." Therefore, despite Whig claims to the contrary,

[t]here was no new value given to the property; there was merely the removal of a legislative restraint on an original right, by which restraint was injured.<sup>213</sup>

If Parliament was merely lifting a previous legislative prohibition could it then justly claim a

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<sup>210</sup>The Bishop of Exeter to Wellington, 12 February 1833, in The Prime Ministers' Papers, p. 73.

<sup>211</sup>Hansard XV, 606-7.

<sup>212</sup>Ibid., XVII, 1000-1.

<sup>213</sup>Ibid., XVII, 1002. The original statute, passed during the reign of Charles II, was "An Act for the preservation of the inheritance rights, profits of the lands belonging to the Church, and to persons ecclesiastical".

portion of the financial benefits arising by the removal of the barrier?

He proceeded to impute base motives to the Whigs, suggesting that the sum of £3 millions resulting from the sale of the perpetuities was too great a temptation to allow the Grey Administration to look at the issue with dispassion and reason.<sup>214</sup>

However, while he was opposed to the principle of the secular appropriation of ecclesiastical property, Peel noted that the actual functioning of the clause would not be as damaging as the admission of the principle. There would be no money left in the fund once the needs and existing liabilities of the Church had been met.<sup>215</sup> He said that he would vote against the bill, as "[h]e considered the principle to be dangerous to the security of all property".<sup>216</sup>

Thomas Lefroy, a Tory member from Dublin University, further argued that the reversion of the lease was just as much the property of the Church as the rent attached to the lease. Given the unrealistic valuation of rents on episcopal lands:

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<sup>214</sup>Ibid., XVII, 1003.

<sup>215</sup>Ibid., XVII, 1003.

As previously noted H.C. 1835 [in 169] xlvii, especially #6, painted a gloomy picture as to the solvency of the Fund given its financial liabilities.

<sup>2163</sup> Hansard, XVII, 1000. It is interesting to note that even though Clause 147 was removed from the bill during its committee stage, Peel still voted against the bill at its third reading. The point regarding the sanctity of other forms of property was also shared by Tory journals such as Blackwood's Edinburgh Magazine, April 1833 p. 654-5 and November, 1833 p. 779.



[i]t was this reversion which enabled the Bishops to have a new valuation of Church lands during the period of the last war, and greatly to increase the amount of their sees; and if that did not constitute property in reversion, he did not know the meaning of the term.<sup>217</sup>

He seconded Peel's argument, that if justice was to prevail the reversionary interest should remain with the Church.<sup>218</sup> Mr F. French, an Irish Tory M.P. from Roscommon, argued that the annual renewal by fine was, in effect, a lease held in perpetuity. The self-interest of both parties would make the lease a de facto perpetuity, and that the new system would not improve the lot of either the bishop or the tenant.<sup>219</sup>

But in spite of the attacks from both wings of the opposition, the bill received the overwhelming support of the House of Commons at its second reading. The vote, which showed assent of the House as to the Ministers' analysis of the principle of the bill was 317-78.<sup>220</sup> The vote showed the faith of the House of Commons in the Ministers and their measures.

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<sup>217</sup>3 Hansard, XVII, 1125.

<sup>218</sup>Ibid, XVII, 1126-7.

<sup>219</sup>Ibid, XVII, 1132-9. See also Blackwood's Edinburgh Magazine, April 1833, p. 575.

In response to French's claims of the de facto of the perpetuity, Althorp, 3 Hansard, XVII, 1143-4, provided figures to show that not all leases were renewed under the existing structure.

<sup>220</sup>3 Hansard XVII, 1010-11.

## IV

The Church bill then entered the Committee of the Whole and continued its legislative journey, until the Committee reached Clause 147. The Ministers, and the Whigs in the House of Commons, were confident in their analysis of the clause but, recognising the numerous problems associated with a Tory-dominated upper house, did not wish to undermine the existing structure of the Constitution for that definition. That having been said, there were a number of factors working in the Administration's favour. The Tories, although strong in their opposition to the bill, were numerically weak in the newly elected House of Commons, and the scope of Tory opposition was bound by very definite limitations. These limitations had a marked impact upon Tory strategy in respect to Whig reforms generally and Irish ecclesiastical reform specifically.<sup>221</sup>

If the Tories toppled the Government, Peel knew that his party would be unlikely to forge a sustainable

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<sup>221</sup>N. Gash, Politics in the Age of Peel. A Study in the Technique of Parliamentary Representation, 1830-50. (London, U.K.: Longmans Green and Co.,) p. 42. See also pp. 48-51 and 68, where Gash argued that it was in Peel's better interests to deal with the more conservative members of Grey's Government. Ellenborough, once again cited in Aspinall's Three Diaries, p. 236, on February 5, 1833, opined that as much assistance as possible should be afforded Stanley as the most conservative member of Grey's Cabinet.

ministry due to its weakness in the House of Commons,<sup>222</sup> and the lack of the support and confidence of the "people". Given Tory awareness of the threats occasioned by the growth of radicalism or the "democratic party",<sup>223</sup> in both its "pure" form, and within the Whig parliamentary grouping, the Tories were placed in the uncomfortable position of having to oppose but not defeat the Ministers. Aware that Stanley had said the Government would stand or fall by the Church bill, the Tories were in no particular hurry to assist in felling Grey's Administration. Both Wellington and Peel were aware of these limitations,<sup>224</sup> and a growing group of Tories accepted the Reform Act as a fait accompli, and worked to ensure that subsequent reform if not "Tory" was at least neither destructive nor radical.<sup>225</sup> Wellington wrote "I will take the course upon the Irish Church Bill which shall appear to me best calculated to maintain the Protestant Church in Ireland."<sup>226</sup> Probably

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<sup>222</sup>See Peel to Wellington, 20 July 1833, in The Prime Ministers' Papers, pp. 263-5 and Wellington's agreement Wellington to Peel, 23 July 1833, ibid, p. 265.

<sup>223</sup>Peel to Wellington, 20 July 1833, in ibid, p. 264.

<sup>224</sup>Wellington to Exeter, 10 April 1833, in ibid, pp. 194-5, and Wellington to Lord Monson, 24 August 1834, ibid, p. 285.

Also see Akenson, op cit, p. 175-6

<sup>225</sup>G.F.A. Best, Temporal Pillars: Queen Anne's Bounty, the Ecclesiastical Commissioners and the Church of England, (Cambridge: Cambridge University Press, 1964), p. 288. Peel was very aware that it was preferable that the Church be reformed by its friends than by its enemies.

<sup>226</sup>Wellington to Exeter, 10 April 1833, The Prime Ministers..., p. 194. A point he repeated after the bill's passage to Lord Monson, 24 August 1833, ibid, pp. 284-6.

Sir Robert Peel's greatest contribution in this function was showing Wellington that the Lords must acquiesce to the existing Church bill before them, or face the possibility of a far more "radical" measure of reform.<sup>227</sup> Wellington later wrote "[u]pon the whole I believe that the Church of Ireland has got out of its difficulty less damaged in reality than was expected at the commencement of the session."<sup>228</sup>

The position of the Whigs was further helped by the uncertain political climate.<sup>229</sup> While the Lords were constitutionally well within their rights to oppose the bill, they were also at odds with the "will" of the "people" and the power of their Lordships was limited when faced with a House of Commons supported by "popular opinion" as shown in the passage of The Reform Bill. The Morning Chronicle argued that both the Lords and the bishops had had a lucky break in the unrest of 1831-2, and that both groups should not test their luck again by making for a collision with the Commons and the people. Such a collision would bring about their ruin.<sup>230</sup> There was still a possibility of upheaval if not revolution in 1833, as shown by both the Irish unrest and the Swing

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<sup>227</sup>Peel to Wellington, 20 July 1833, in ibid, p. 264 , also Large, op cit, p. 375.

<sup>228</sup>Wellington to Lord Monson, 24 August 1833, The Prime Ministers'..., p. 285.

<sup>229</sup>Wellington to the Bishop of Exeter, 10 April 1833, in ibid, p. 194.

<sup>230</sup>The Morning Chronicle, June 18 and 21, 1833

riots in agricultural England, and the Tories were not fools. They realised that the Whigs although "reformers" would preserve the existing institutions, and would not change to destroy. If the Church Bill was thrown out by the Lords, the Grey Administration might resign or the House of Commons might respond with an even more radical measure of church reform.<sup>231</sup> Neither of the two options were particularly appealing.

That having been said, the Bill afforded the Tory Peers an opportunity to reassert their pride and regain some of the power they had lost in 1831-2.<sup>232</sup> Many of the Lords, particularly those in Cumberland's "Ultra"<sup>233</sup> faction, argued that the Upper House must continue to act as a check upon the reforming excesses of the Commons.<sup>234</sup> The Lords, with their Tory majority, were set to make a stand, and there was speculation as to when this would happen.<sup>235</sup> Some believed that the initial collision would occur over the Church Temporalities

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<sup>231</sup>See for example Mr. Goring, 3 Hansard, XVIII, 920, June 17, 1833, who argued that the Church Bill should be made more popular to show that the bill enjoyed the confidence of the people.

<sup>232</sup>The Guardian, June 15, 1833.

<sup>233</sup>Although some "ultras" left the Tories to sit with the Whigs, due, ironically to Wellington's extensions of liberty in 1828-9, the majority swallowed the bitter pill and remained with the Tories. However, although members of the Tory grouping, they remained in many ways a distinct political party.

<sup>234</sup>O. Chadwick, The Victorian Church, (London, U.K.: Adam and Charles Black, 1966), p. 58.

<sup>235</sup>See for example The Morning Chronicle, February 8, 1833.

Bill.<sup>236</sup> But, despite the logic of this prediction it was wrong.

Aside from the occasional skirmish, "the crisis which all reflecting persons foresaw after the passing of the Reform Bill is at length arrived."<sup>237</sup> with the Lord's Portuguese vote on June 6, 1833.<sup>238</sup> By this motion the Tory Lords proved that despite significant intra-party differences, they could still outvote the Ministers in the Upper House. Matters came to a head with the vote, and Grey's Cabinet was forced to realise that the Tory Lords were still a force to be reckoned with.

The motion was important as it forced the third element of Parliament, King William IV, despite his obvious Tory leanings, to throw some support behind the Grey Administration. In the lobby against the Ministers was a majority of the Bishops. William IV was not at all pleased with the conduct of his spiritual lords as the vote was, in a sense, a vote of non-confidence in the Government, and the King believed that the bishops should not vote against the Government on non-Church

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<sup>236</sup>Ibid., June 17, 1833.

<sup>237</sup>The Parliamentary Review, II, p. 553

<sup>238</sup>Hansard, XVIII, June 6, 1833. Briefly, the House of Lords objected to the Grey Administration's support of Queen Donna Marie during the civil war against Don Carlos. Donna Marie was considered more enlightened than the despotic Don Carlos, and she was, therefore, a natural client for the Whigs. The Lords, perhaps more out of a desire to assert their power than out of support for the specifics of Don Carlos' cause, prayed to the King for the United Kingdom's neutrality in the conflict. The motion, passed by a vote of 80-68, was a stinging rebuke for Grey.



issues. The King was as afraid of a radical expansion as were the Whigs and Tories, and realising the many barriers to a creation of William's preferred moderate-conservative coalition,<sup>239</sup> he was, therefore opposed to any parliamentary action by the Bishops which could potentially lead to the destruction or resignation of the Whigs. With this in mind, he wrote a letter to the Archbishop of Canterbury deploring the latter's actions and involvement in a purely political matter with no bearing on the Established Church.<sup>240</sup> The contents of the letter were made known to the other members of the episcopal bench so that they were aware of the King's views.

Despite the willingness of the King to "advise" the bishops on their conduct in the Lords, the King did not give the Whigs a "blank cheque" in support of their reform initiatives. With his Tory leanings he continued to have reservations on the Church Bill. He was also critical of the Whigs' pledge to stand or fall by the Church Bill, arguing that such a statement considerably exacerbated tension.<sup>241</sup> William was also opposed to the

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<sup>239</sup>For the suggestion of a moderate-conservative ministry see The Holland House Diaries, p. 221; and P. Ziegler, King William IV, (New York, N.Y.: Harper and Row Publishers, 1973), p. 272.

<sup>240</sup>C.C. F. Greville, The Greville Memoirs: A Journal of the Reigns of King George IV and King William IV, (Ed. H. Reeve. London, U.K.: Longmans, Green and Co., 1874), Vol. II, pp. 383-4.

<sup>241</sup>Sir H. Taylor to Brougham, June 16, 1833, cited in Henry Lord Brougham, The Life and Times of Henry Lord Brougham, (Edinburgh and London, U.K.: William Blackwood's and Sons, 1871), p. 286.

creation of Peers to pass the bill, especially a bill which seemed to contain an appropriation clause.<sup>242</sup> The King's secretary, Sir Herbert Taylor, told Brougham that William was also opposed to such a creation of peers to pass the Church Bill as he was worried that such an act would degrade the House of Lords, and would serve as a dangerous precedent.<sup>243</sup> It should be noted that it was not only the King who was opposed to a creation of peers. The Whigs, aware of their own support and reverence of the existing Constitution were not in favour of such a creation either.<sup>244</sup> Therefore, realising a great number of limiting factors, the Whigs had to tailor a bill which would both promote reform, and would be acceptable to all elements of the Constitution. It was clear that the Tory Lords did not accept the Administration's interpretation of Clause 147 and a major decision had to be made.

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<sup>242</sup>Kitson Clark, Peel and the Conservative Party. A Study in Party Politics, 1832-41, (London, U.K.: Frank Cass and Co. Ltd., 1964), p. 129.

<sup>243</sup>Taylor to Brougham, June 18, 1833, cited in Brougham, op cit, pp. 287-8. However, some believed that the King would create peers. For example see O'Connell to Barrett, June 7, 1833, O'Connell Correspondence, Vol. V, pp. 39-41 document# 1982 and Ellenborough, June 7, 1833, cited in Aspinall's Three Diaries, pp. 336-7.

<sup>244</sup>Brougham, See Grey's letter to Brougham, dated June 19, 1833, cited in Brougham, ibid, pp. 294-5 "[t]his you may remember, the Cabinet agreed in considering as out of question on the present occasion....".

#### CHAPTER FOUR: THE WITHDRAWAL OF CLAUSE 147.

Although the Whig Cabinet believed the issue of appropriation had been dealt with, and that the clause had been sufficiently watered down so as to avoid any misunderstanding, a misdefinition had been given the clause by both wings of the opposition in the Commons. The Whigs, confident in their definition of the clause, were not overly concerned with this Lower House subscription. However, the strong Tory majority in the House of Lords,<sup>245</sup> angry and unpredictable, was capable of defeating any measure sent up from the House of Commons, particularly one which whispered the "revolutionary principle" of appropriation.<sup>246</sup> There were signs that the Bill would be defeated and, as such, the Government was faced with a dilemma.

Given the Whig agenda of reform, the attendant political problems, and the financial liabilities already placed on the perpetuity purchase fund, Clause 147 was an unimportant and insignificant aspect of the

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<sup>245</sup>Henry Lord Brougham, The Life and Times of Henry Lord Brougham, (Edinburgh and London: William Blackwood and Sons), p. 374.

<sup>246</sup>See Brougham, *ibid*, p. 374. This point can also be seen in reference to the fate of Lord Russell's Tithe Bills which contained "appropriation" clauses.

bill.<sup>247</sup> Yet its inclusion could result in the bill's being defeated by the Lords. A significant parcel of reform would fall for the sake of an absent principle. Recognising the problems associated with the clause, and realising that the Administration did not have sufficient enough political will to break a lance for the section, the Whigs believed themselves justified in dropping the Clause 147. This, in turn, would allow for the passage of a substantial measure of ecclesiastical reform. The decision mirrored the pragmatic approach the Whigs had adopted towards the bill from the beginning. It was in the best interests of the bill, the Whig "party" and Grey's Administration to drop the offending clause.

# I

On June 28, 1833, the Cabinet met to discuss the problems associated with Clause 147's inclusion in the Church Bill and a number of possible solutions were offered. One, advocated by Russell, Melbourne, Holland and Brougham, was that the bill be divided into two parts - one portion dealing with the reform aspects of the original Church Bill, and a second part dealing with

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<sup>247</sup>Sir Denis Le Marchant, A Memoir of John Charles Viscount Althorp, Third Earl Spencer, (London, U.K.: Richard Bentley and Son, 1876), p.472

the generalities and specifics of Clause 147. However, such a division was opposed by both Grey and Althorp who, perhaps realising that this would still not solve the problem of the definition of Clause 147, favoured modifying the wording of the clause. Eventually, the Cabinet agreed upon the addition of the wording for "religious and charitable" purposes. The Cabinet hoped this would clarify the intent of the clause, and lessen the ambiguity, scope and sting of the original wording. The problem of disposal would be then "left for future parliaments to debate if a surplus were shown to exist."<sup>248</sup>

However, it would seem that even this innocuous wording was considered insufficient to assuage "Tory" opposition. Whether the result of clandestine Peel-Stanley correspondence<sup>249</sup> or due to a positive order from King William IV,<sup>250</sup> a further decision was reached to abandon the clause altogether. This decision was kept secret from all but a few members of the Cabinet.<sup>251</sup>

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<sup>248</sup>A.D. Kriegel, "The Irish policy of Lord Grey's Government" in English Historical Review, (Vol. LXXXVI, 1971, pp. 22-45), pp. 43-4.

<sup>249</sup>G. Kitson Clark, Peel and the Conservative Party: A Study in Party Politics, 1832-41, (London, U.K.: Frank Cass and Co. Ltd. 1964), p. 118.

However, Peel himself denied this to be the case in the House of Commons, 3 Hansard, XVII, 1090.

<sup>250</sup>See Sir Robert Peel: From his private papers Ed. C.S. Parker's (London, U.K. John Murray, 1899), vol. ii, p. 222. Parker wrote that "Peel was told that the decision to withdraw Clause 147 was caused by a positive order from the King."

<sup>251</sup>Ellenborough, in his diary entry of June 22, 1833, cited in A. Aspinall's Three Early Nineteenth Century Diaries, (London, U.K.: Williams and Norgate, 1952), p. 340 wrote "[t]he secret was kept



Sources close to the Prime Minister assured Grey that if the offending clause was dropped the bill would be assured passage through the House of Lords.<sup>252</sup> And Tory "moderates", under Wellington, "did not mind the bill so far as it claimed to reform the Church of Ireland."<sup>253</sup> The withdrawal of the clause would allow the Tory Lords to accept passage of the measure without losing face.

During the Committee stage of the Bill's debate, the Whigs made their dramatic announcement.<sup>254</sup> Because of Althorp's absence from the House,<sup>255</sup> the task of informing the Commons of the Ministers' decision fell to the framer of the bill - Stanley. He rose in the House and admitted that although there were considerable differences of interpretation with respect to Clause 147, he believed that the clause did not involve the alienation of Irish Church property, adding that "what

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to the last moment even from the nearest friends and officers of the Govnt." See also Le Marchant's June 21, 1833 account of his conversations with Messrs. Abercrombie and Ellice prior to the dropping of the bombshell, cited *ibid* p.338.

Kriegel, "The Irish Policy of Lord Grey's Government", p. 44, n.1, quoted Littleton, who noted that only Grey, Graham and Stanley were aware of the decision, and that they did not have the time to inform their ministerial colleagues of the change. Kriegel further noted, pp. 43-4, that the events and personalities involved in reaching the final decision are still clouded and "[p]recisely which members of the Cabinet were informed remains unknown."

<sup>252</sup>Kriegel, *ibid*, p. 44. n. 1.

<sup>253</sup>O. Chadwick, The Victorian Church, (London, U.K.: Adam and Charles Black, 1966), p. 58.

Also, refer to the Duke of Wellington's letter to the Bishop of Exeter, dated 10 April 1833, in The Prime Ministers' Papers: Wellington Political Correspondence I: 1833 - November 1834, (Eds. J. Brooke and J. Gandy. London, U.K.: Her Majesty's Stationary Office), p. 194.

<sup>254</sup>Hansard, XVIII, 1073-1102.

<sup>255</sup>Due to a reoccurrence of gout.



was bona fide the property of the Church was not at all touched."<sup>256</sup> That having been said, Stanley stated that given the benefits associated with the existing measure,<sup>257</sup> and recognising the tremendous costs associated with the Bill's defeat, the Administration had decided to "move omission of the 147th Clause altogether."<sup>258</sup>

He argued that the Whigs had not made any sacrifices of principle by the change, and that "this alteration...would leave the question of the surplus fund precisely where it was at present."<sup>259</sup> This was possible because earlier Committee amendments had altered the revenue available to the Board of Ecclesiastical Commissioners, and Stanley noted that it was impossible that the "fund in question could meet the objects to which it had been proposed to apply it" for at least two years.<sup>260</sup>

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<sup>256</sup> Hansard, XVIII, 1073.

<sup>257</sup> Ibid, XVIII, 1079.

<sup>258</sup> Ibid, XVIII, 1073-4.

<sup>259</sup> Ibid, XVIII, 1073-4.

<sup>260</sup> Ibid, XVIII, 1073-4. The changes made in Committee involved the exemption of the present holders of a living from the paying of the 5-15% graduated tax on their living. As an aside, it would seem that Stanley's projection of two years was a gross under-estimation. A government paper stated that the fund would incur an annual short-fall until February 1853, with the accumulated debt being carried for an additional twenty-years. As of August 1, 1834, the Fund had assets of £15,852 13s. 2d. with considerable liabilities - see A Calculation to be made from the data afforded in Three Accounts mentioned in the said Precept, showing at what period the permanent income of the Annual Funds of the Ecclesiastical Commissioners (Ireland) are likely to be equal to the permanent expenditure of the Commissioners; also the period when the Fund will reach its maximum and the Amount; also the Debt

Concluding his initial foray and summing up the essence of Whig conduct in this issue, Stanley, "in the spirit of conciliation, entreated hon. Gentlemen not to be led astray, and not to contribute to the loss of the present measure, which involved so many serious consequences."<sup>261</sup>

The Whig apologia continued with Russell who, showing himself, once again, to be a true party man, argued that the problems associated with keeping the abstract principle in the bill posed a considerable risk to the "peace and tranquility of the country."<sup>262</sup> He wanted to avoid a collision with the Lords until it was "absolutely necessary...if the House was to enter into a contest with the Lords they should do it for something worth contesting."<sup>263</sup> The Administration maintained that the admission of the principle would not benefit the Church and would, indeed, cause great harm to the country. Mirroring the Whigs' pragmatic approach to the bill Russell said "[u]nder the present circumstances of the country, they were all bound to make sacrifices to preserve and promote tranquility and the security of property. Let others be for convulsion, he was for

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on the Fund likely to be created by the accumulation of the yearly deficit, until the income may be equal to the Expenditure, and the number of Years necessary to pay it off, with Notes explanatory of the same H.C. 1835 [in 169] xlvii.

<sup>2613</sup> Hansard, XVIII, 1074-5.

<sup>262</sup> Ibid, XVIII, 1095.

<sup>2633</sup> Hansard, XVIII, 1095. See also The Guardian, June 29, 1833.

peace."<sup>264</sup> He ended his speech with an important expression of Whig understanding of the prevailing socio-political climate when he said that "he was of the opinion that the country could not stand a revolution once a year."<sup>265</sup>

The Tories, while still not agreeing with the bill, were happy to support any alteration which limited the scope of the measure. Peel admitted that he was satisfied with the withdrawal of the clause, although he denied that it was due to a Whig-Tory compromise.<sup>266</sup> Despite his support of the withdrawal, he reiterated his previous argument that no new value had been created, and that the reversionary interest of the lease belonged to the Established Church of Ireland.<sup>267</sup> Although Peel agreed with the withdrawal of the clause, he "did not think himself pledged to agree to any other clause in the Bill."<sup>268</sup> This point was seconded by the Irish Tory Shaw, who although welcoming the withdrawal of the clause complained that the remaining reforms weakened the Church, and that the Whigs were restricting the spread of Protestantism in Ireland.<sup>269</sup>

On the other hand, the radicals, as might be expected, were opposed to the clause's withdrawal.

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<sup>264</sup><sup>3</sup> Hansard, XVIII, 1096.

<sup>265</sup> Ibid, XVIII, 1096.

<sup>266</sup> Ibid, XVIII, 1090.

<sup>267</sup> Ibid, XVIII, 1090.

<sup>268</sup> Ibid, XVIII, 1090.

<sup>269</sup> Ibid, XVIII, 1153-6.

O'Connell argued that the Ministers in withdrawing an important principle had bowed to conservative pressure.<sup>270</sup> In avoiding a collision the "[m]inisters had sacrificed their principles to keep their places."<sup>271</sup> He stated that the primary interest of the Irish in the measure was financial. The Irish did not care how many bishops the Church of Ireland had, they just wanted the Protestants to pay for the upkeep of their own church.<sup>272</sup> The withdrawal of Clause 147 only served to dampen the enthusiasm of the Irish for the measure.

Joseph Hume then reminded the House that Ministers had pledged to stand or fall by the principles of the bill and, he argued, appropriation was one of the principles. Therefore, the Government should resign.<sup>273</sup> According to Hume the bill contained two distinct principles. The first made provision for the reform of the Irish Church and the second "admitted that the property of the Church might be alienated for secular purposes."<sup>274</sup> Hume mentioned that the Commons supported the principle of the clause, and that it was only the opposition of the Lords that caused the Ministers to go

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<sup>270</sup>Ibid., XVIII, 1074-5.

<sup>271</sup>Ibid., XVIII, 1076.

See also O'Connell's letter to Fitzpatrick, dated June 21, 1833 in The Correspondence of Daniel O'Connell, (Ed. M.R. O'Connell. Dublin: Irish Manuscripts Commission, 1977) Vol. V. p. 48, document# 1987, for his perception of the "approaching collision" of the Houses of Parliament.

<sup>272</sup>Hansard, XVIII, 1076.

<sup>273</sup>Ibid., XVIII, 1080

<sup>274</sup>Ibid., XVIII, 1080-1.

back on their pledge. He opined that the public would have supported the Government in a clash with the House of Lords,<sup>275</sup> but the Ministers had given up the clause in order to keep their places.<sup>276</sup> Without Clause 147 the bill "was a mere mockery and the House and the country had been duped by the Ministry."<sup>277</sup>

Later, he argued that the withdrawal of Clause 147 and the expansion of the funds available to the Board of Ecclesiastical Commissioners via Clause 54 only served to add to the corruption of the Church. If the estimation of the value of the perpetuity purchase fund was correct, and if the fund was indeed composed of a "new value", as the Whigs had argued, then the changes served to add some £3 millions to the wealth of "the overpaid and sinecure Church of Ireland."<sup>278</sup> He said that the bill should be called "A Bill to add to the

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<sup>275</sup>Grattan, ibid, XVIII, 1094, argued that the people would stand by the Ministers, but they would not stand by cowards, a point echoed by The Times, June 26, 1833. The Guardian, June 29, 1833, admitted that the public would probably have supported the Whigs in a clash with the Tory Lords, but would then have found that the prize was not worth the collision. The paper wrote that "[t]he very people who are now the loudest in their complaints...would then have been the readiest to censure them for throwing the country into confusion without adequate cause." The Morning Chronicle, June 29, 1833 argued that the country might not have supported the Commons in a collision with the Lords "on such a point comparatively insignificant with the real and vital parts of the measure."

<sup>276</sup>Mr. Harvey, 3 Hansard, XVIII, 1084, a radical M.P. from Colchester argued that despite their conservatism the Whigs would give up even the Church of Ireland if it meant that they could keep their places

<sup>277</sup>Ibid, XVIII, 1082-3.

<sup>278</sup>Ibid, XVIII, 1135-8.



permanence and increase the revenues of the Established Church in Ireland, and not to reform its abuses."<sup>279</sup>

Other radicals, such as Colonel Davies and Gisbourne, maintained that the opposition of the Lords was not a valid enough reason to support the withdrawal of the clause, a clause which they felt contained a great principle.<sup>280</sup> Davies noted that the opposition of the Lords in June 1833 was the same as it had been in February 1833, and he wondered of the sudden desire of the Ministers to avoid a collision.<sup>281</sup> Grote said that they were giving up an important clause without being assured of the success of the measure in the House of Lords and the Upper House "might deprive them of some of the most valuable of the remaining clauses."<sup>282</sup>

The House then divided on the question of whether Clause 147 should be left standing as part of the Irish Church (Temporalities) Bill. The motion was rejected by a vote of 149 to 280, giving the Ministers a strong majority of 131.<sup>283</sup> Perhaps, as noted by Le Marchant,<sup>284</sup>

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<sup>279</sup>Ibid., XVIII, 1148.

<sup>280</sup>Ibid., XVIII, 1091-2 (Davies) and 1090-1 (Gisbourne). This point was seconded by The Parliamentary Review and Family Magazine, III, pp. 16-21.

<sup>281</sup>Hansard, XVIII, 1091-2.

<sup>282</sup>Ibid., XVIII, 1094.

The Birmingham Journal, July 27, 1833 later opined that the attempts of the House of Commons and the Whigs to conciliate the Tory Lords had failed as there had been changes made to the bill, by the Lords, in Committee.

<sup>283</sup>Hansard, XVIII, 1098-1102. Although Hansard gives the vote as 149-280, an account of the members listed in each division yields the figures of 163 + teller vs. 281. Hansard lists the Aye lobby as being composed of: 108 English M.P.s, 10 Scottish M.P.s and 45



the Ministers had had to exert considerable pressure to improve the size of their lobby, but the fact was that the Ministers' colleagues did support their decision, and the Clause was withdrawn.

After weathering the changes made by the Committee, and the scorn of elements of the press,<sup>285</sup> the bill proceeded to its third reading in the Commons on July 8, 1833.<sup>286</sup> During this reading, the principle of appropriation was given one more test when Mr. R. L. Sheil, an Irish radical, attempted to make an amendment to the preamble of the bill that should contain a "recital, declatory of the right of the Legislature to make such appropriation of the property of the Church as should most conduce to public utility" and would restore

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Irish M.P.s, adding up to 163 M.P.s! The No lobby was composed of: 228 English M.P.s, 27 Scottish M.P.s and 26 Irish M.P.s. The Morning Chronicle, June 24, 1833 lists the vote as 150-281 the result achieved by counting the actual division printed in the paper yields a result of 150-280. By using the result stated in The Morning Chronicle as a standard, one realises that the figure of 150 includes the 149 M.P.s and the teller O'Connell. The problems in numeration could result from the fact that O'Connell was listed in Hansard as a teller or that a certain Alderman Copeland is listed as being a member of the Ayes lobby and is not listed in either Buckingham's list of M.P.s and their party affiliations or in Hansard's account of the vote. Therefore, if one discount's Copeland's presence in the Aye lobby the vote would be 149 (including O'Connell) to 280 in the No lobby-seemingly the correct figure. Unfortunately, divisions were sometimes inaccurately noted, and the newspapers were filled with letters from M.P.s correcting the way their vote on a particular division was recorded.

<sup>284</sup>Le Marchant, op cit, p. 472.

<sup>285</sup>See, for example The Times, June 24, 1833, The Parliamentary Review, III, pp. 16-21, and also Cobbett's letters to The True Sun, dated June 22, 1833 reprinted in his Political Register, June 29, 1833, pp. 780-6.

<sup>286</sup>Hansard, XIX, 257 ff.

the principle of the bill lost by the withdrawal of Clause 147.<sup>287</sup> In reference to the amendment, Sheil,

did not address himself so much to those who did not coincide with him on the speculative question, as to those who agreed with him in truth, but doubted the propriety of giving it, at this time, a legislative expression.<sup>288</sup>

He noted that many of the Whigs now in office had supported Hume's resolutions from 1824 and 1825, and he appealed to those members to support his amendment in 1833.<sup>289</sup> Having cited the precedents provided by Hume, and supported by many of the Whigs now in office, Sheil enunciated his proposal for the addition to the bill's preamble.<sup>290</sup> He argued that the modified preamble would restore the bill to a functional usefulness. Even if no surplus was immediately available, the House of Commons should make provision for when such a surplus should arise, as "[t]he inference to be drawn from this Bill is, that Church property is intangible. That baneful conclusion ought to be rebutted."<sup>291</sup> He concluded by arguing that the key to peace in Ireland was "wise,

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<sup>287</sup>Ibid., XIX, 260-1.

<sup>288</sup>3 Hansard, XIX, 261.

<sup>289</sup>Ibid. He listed Althorp, Russell, Duncannon and Ellice as members who had supported, at one time or another, such a measure. He also noted that Stanley had consistently held that church property was as inviolable as private property, 3 Hansard, XIX, 262-4.

<sup>290</sup>Ibid., XIX, 265 and, for a slightly different version, ibid., XIX, 271.

<sup>291</sup>Ibid., XIX, 269.

ecclesiastical legislation" which he believed the amendment would help achieve.<sup>292</sup>

Althorp, one of the supporters of Hume's previous Irish Church motions, denied any inconsistency on the part of government. He then made the important admission that the Whigs did not want the abstract principle in the Temporalities bill as it was well known that the Cabinet was split on the issue.<sup>293</sup> Given the opposition of the House of Lords, the split in Cabinet over appropriation, and the fact that his previous estimation of £3 millions was incorrect, he was opposed to the amendment. Althorp maintained that the bill provided for an extensive reform of the Irish Church without deciding one way or the other on appropriation and, as such, "he would oppose the Motion because the Bill had never intended to affirm that principle."<sup>294</sup>

In a sparse House, the friends of the Ministers rallied once again, and Sheil's amendment was defeated 86-177.<sup>295</sup> The bill continued through its third reading with Viscount Althorp having the last word.

The parties who were entirely opposed to each other would unite to vote against the Bill. That was, he thought, not a bad compliment to the course the Ministers had adopted. They had displeased both parties, which

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<sup>292</sup>Ibid., XIX, 271-3.

<sup>293</sup>Ibid., XIX, 273-4.

<sup>294</sup>Ibid., XIX, 275.

<sup>295</sup>Ibid., XIX, 282-3.

showed that the measure was neither imprudent nor unwise, and he hoped that the majority of the House would support the Bill.<sup>296</sup>

The majority of the House of Commons did support the Ministers, and by a vote of 274-94, the bill passed its third reading.<sup>297</sup> The Bill was now in the hands of the recidivist Lords.

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<sup>296</sup>*Ibid.*, XIX, 300.

<sup>297</sup>*Ibid.*, XIX, 301. The minority was composed of Tories, Irish radicals and a few British radicals.

### CONCLUSION

With Clause 147 dropped, the chances of the Bill's passing the unreformed House of Lords certainly increased. The Peel-Wellington faction of the Tory party, realising their inability to frame a sustainable ministry, and seeing the bill in light of the best interests of the Church,<sup>298</sup> grudgingly adopted a policy of reality over principle<sup>299</sup> and accepted passage of the measure. However, the journey through the Lords was far from smooth.

Although the Bill passed the second reading in the Lords by a vote of 157 contents to 98 non-contents,<sup>300</sup> a number of modifications were subsequently made to the measure in Committee.<sup>301</sup> Then the Tory Lords, snipping away at elements of the bill, eventually defeated a clause related to the disposition of funds from the suspension of livings in a benefice in which divine worship had not been celebrated for three years.<sup>302</sup> This

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<sup>298</sup> Hansard XX, 118.

<sup>299</sup> Ibid, XIX, 957.

<sup>300</sup> Ibid, XIX, 1016-18.

At the Bill's second reading the Bishops voted 11-14 in favour of the measure. See The Times, July 23, 1833.

<sup>301</sup> The Birmingham Journal, July 27, 1833.

<sup>302</sup> Hansard XIX, 1220-34.

vote, coupled with the other minor alterations, caused the Prime Minister to issue a terse statement announcing that if any other clauses were defeated in Committee the Government would consider it a vote of non-confidence and resign.<sup>303</sup> This threat made the Tories refrain from further modification of the bill, and the measure eventually passed Third reading in the House of Lords by a vote of 135-81. The changes made to the Bill in the Lords were agreed to by the Commons,<sup>304</sup> the measure then received Royal assent and Irish Church (Temporalities) Bill of 1833 became law.<sup>305</sup>

The Whigs had managed to avoid reaching a decision on appropriation in the course of debate, thereby ensuring that a significant measure of Irish ecclesiastical reform was enacted.<sup>306</sup> Granted the scope of that reform was limited by the "still dominant power of the Aristocracy,"<sup>307</sup> but, nonetheless, "[a]s a first measure, the Irish Church Bill has a very extensive effect."<sup>308</sup> The ability of the Government to achieve the passage of an effective measure of ecclesiastical reform

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<sup>303</sup>Ibid. XX, 1-3. Littleton, on July 25, and cited in A. Aspinall's Three Early Nineteenth Century Diaries, (London, U.K.: Williams and Norgate, 1952) p.352 wrote that Ministers considered resigning over the defeat of the clause.

<sup>304</sup>Hansard, XX, 285-90.

<sup>305</sup>Ibid., XX, 126.

<sup>306</sup>The Reform Ministry and the Reformed Parliament, (3rd Edition. London, U.K.: James Ridgway and Sons, 1833), p. 8

<sup>307</sup>The Morning Chronicle, September, 5, 1833. Also The Morning Chronicle, July 2, 1833 and January 7, 1834.

<sup>308</sup>Ibid., July 2, 1833.



reflected the work of astute politicians who were able to manage successfully the first session of the post-Reform Bill Parliament. This success was based, partly, on the fact that the Whigs had adopted a pragmatic approach to the reform of the Irish Church from the onset.

When the Cabinet turned its attention to the condition of the Church of Ireland in 1832, there was considerable disagreement over the secular appropriation of the institution's property. The more progressive wing of Cabinet favoured Parliamentary involvement in the disposal of ecclesiastical property, while the conservative majority was decidedly opposed to such "spoliation." However, because of a number of factors and considerations, especially the leadership of the Prime Minister, the Whigs agreed to disagree on the principle, and postponed reaching a decision on the issue during the formulation of the Temporalities Bill. Being aware of both the significance of the principle and of the potential for a misunderstanding of the clause, the Ministers consistently and explicitly stated that Clause 147 did not sanction the secular appropriation of Irish Church property. They argued instead that the monies accruing to the perpetuity purchase fund were the result of a creation of new value. The Cabinet, then, had dealt with the issue, and

was able to present a Bill to the Commons which they believed did not sanction the divisive principle.

Yet, despite the valiant attempts of Ministers to the contrary, the debate in the Commons served to change the prima focus of the bill from one of Irish ecclesiastical reform to one ostensibly acknowledging a revolutionary principle, a principle which seemed to call into question all rights of property. Neither wing of the opposition was willing to accept the Government's explanation of the innocent nature of the clause, and the bill was tainted with an unfortunate mis-definition.

This, in and of itself, was not an insurmountable obstacle. Grey's Government, given its strength in the House of Commons, and its wide-spread public support, could have forced a "collision" with the hostile Tory majority in the House of Lords in an attempt to pass the Bill. But such heavy-handed action would have provoked a constitutional crisis. The Whigs, though reformers, were not revolutionaries, and they still believed in the existing Parliamentary balance of King, Lords and Commons. The Government had neither the desire to force a constitutional collision nor sufficient enough political will to push the insignificant clause through the House of Lords. That being the case, the bill had to be modified to ensure parliamentary success, and Clause 147 was dropped. The Whigs subsequently lost radical support with the withdrawal of the clause, but gained

successful passage of the bill through the Lords - by all accounts a wise political trade-off.

The Whigs made a pragmatic decision<sup>309</sup> and a legitimate compromise in order to ensure passage of a substantial measure of reform. It was in the best interests of the Bill, the Irish Church and the political stability of the Kingdom for the clause to be dropped. This modification ensured successful passage of the bill. and the survival of the Church of Ireland. The Church was made more administratively efficient by the Church Temporalities Act, and it became less of a financial burden on the Irish.<sup>310</sup> By instituting these reforms the Whigs provided for the continued existence, and some would say "renaissance",<sup>311</sup> of the Church of Ireland as the Established Church in a positively hostile milieu.<sup>312</sup>

A study of the passage of the Irish Church (Temporalities) Bill of 1833, especially the debate surrounding Clause 147, reveals that Grey's Government was a responsible custodian of power with a realistic understanding of the socio-political climate. In light of the "promises" of the Great Reform Act of 1832, they may have fallen shy of other people's expectations. But

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<sup>309</sup>See Earl Grey's speech in 3 Hansard XIX, 1015.

<sup>310</sup>The Reform Ministry and the Reformed Parliament, p. 8.

<sup>311</sup>The Quarterly Review, April 1836, p. 259.

<sup>312</sup>The Church was eventually disestablished by The Irish Church Act of 1869. R.P. Flindall (ed), The Church of England, 1815-1948. A Documentary History, (London, U.K.: S.P.C.K., 1972), p. 206.

this does not necessarily mean failure, and it is against the fruits of their labour that the Whig Administration of 1832-4 must be judged by historians. The Church Bill was just one of many aspects of Whig reform of society. Perhaps the last word should go to The Westminster Review, which wrote, "[t]he test of a good reformer is that he is one that will reform when he may."<sup>313</sup> By this standard the Whigs were good reformers - the Irish Church (Temporalities) Act is the proof.

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<sup>313</sup>The Westminster Review, January 1833, p. 168.

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Expenditure, and the number of Years necessary to pay it off, with Notes explanatory of the same. H.C. 1835 (in 169) xlvii.

A Calculation of the Sum which may be expected to be realised by the purchase in perpetuity of the Bishops' leases according to the Act of 3 and 4 Will. IV c. 37 styled "The Church Temporalities Act". H.C. 1835 (in 169) xlvii.

A Return of the Names of those persons who under the Acts of 3 and 4 Will IV c. 37 and 4 and 5 Will IV c. 90 have served notices on the Ecclesiastical Commissioners for Ireland of their intention to purchase the Fee of the Bishops' lands held by them.... H.C. 1835 (219) xlvii.

A Calculation of the Incomes of the Archbishops, Bishops, Dignitaries, and the Parochial Clergy of Ireland, before The Church Temporalities Act, under The Church Temporalities Act, and under the proposed bill for the Better Regulation of Ecclesiastical Revenues and the Promotion of Religious and Moral Education in Ireland. H.C. 1835 (461) xlvii.

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